

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3201

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State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sarah H. Palin, Governor
Walter Monegan, Commissioner

December 4, 2006

Pat Davidson, Legislative Auditor
Division of Legislative Audit
P.O. Box 113300
Juneau, Alaska 99811-3300

RE Response to Alcoholic Beverage Control Board Sunset Review, AC# 12-20047-06


Dear Ms. Davidson:

Since there was such little change between Management Letter No. 1 and the Preliminary Audit Report, the Alcoholic Beverage Control Board would like Board Chairman Mike Gordon's letter of October 25, 2006 sent to In-Charge Auditor Mark Lundahl to serve as the ABC Board response to the Preliminary Audit Report. In the time since that letter, the ABC Board has worked to implement the changes set out in Mr. Gordon's letter.

At its ABC Board meeting of November 29, 2006 the ABC Board reviewed a copy of the Management Letter No. 1 version of the ABC Board Sunset Audit and draft policies and procedures for database security, noticing board meetings, collecting wholesale fees and affidavits, and documenting board meetings. The ABC Board also approved revising the way catering permits are issued to respond to concerns raised in the audit. An overall enforcement plan to include premise inspections and compliance checks is also being drafted and will be implemented beginning January 1, 2007.

The ABC Board did not discuss at any length the recommendation regarding allowing me to cast votes to break ties. There is a good chance this issue will be revisited at a subsequent ABC Board meeting.

Sincerely,


Douglas B. Griffin
Director

Enclosure: Letter dated October 25, 2006 from ABC Board Chairman Mike Gordon

cc: Walter Monegan, Commissioner, Department of Public Safety
Ted Bachman, Deputy Commissioner, Department of Public Safety
ABC Board Members

Alcoholic Beverage Control Board
5848 E. Tudor Road - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Frank H. Murkowski, Governor
William Tandeske, Commissioner

October 25, 2006

Mark Lundahl, CPA
In-Charge Auditor
Division of Legislative Audit
P.O. Box 113300
Juneau, Alaska 99811-3300

RE: Response to Management Letter No. 1, Department of Public Safety
Alcoholic Beverage Control Board Sunset Audit

Dear Mr. Lundahl:

I have reviewed your Management Letter No. 1 and met with Alcoholic Beverage Control (ABC) Board Director Doug Griffin regarding the recommendations and findings contained in this correspondence. I have also had the benefit of reviewing the response of Commissioner Tandeske dated October 13, 2006. I appreciate the Division of Legislative Audit granting me additional time to thoroughly review your Management Letter and confer with Mr. Griffin.

I am responding as Chairman of the ABC Board and my opinions and views may not reflect the wishes of the ABC Board as a whole. I have asked Mr. Griffin to place the ABC Board Sunset Audit on the agenda for the next ABC Board meeting scheduled for November 29, 2006 in Anchorage.

I appreciate the thorough review you and your team did this summer in reviewing the activities and systems of the ABC Board and its staff in its effort to carry out its statutory duties. I will respond as specifically and precisely as I can to the finding and recommendations in your Management Letter.

Status of Prior Audit Recommendations

I am pleased to see that the ABC Board has either partially implemented or fully resolved the recommendations of the Division of Legislative Audit from the last audit conducted. The ABC Board has historically been under funded and this was a major barrier in addressing some of the improvements recommended in the earlier audit. It was only with the assistance of the Department of Public Safety that projects like completion of the first phase of the licensing database became possible.

Current Recommendations

Recommendation No. 1

The ABC board and director should strengthen the control environment over alcohol regulatory functions.

1. Licensing – The Licensing staff of the ABC Board does have policies, procedures, desk manuals, checklists, a licensing database and regular training discussions in an attempt to provide consistency

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and efficiency in processing liquor license renewals, transfers, and applications for new licenses. As licensing staff received information from Legislative Audit staff regarding gaps in files, it adopted additional procedures to address these concerns. For example, concerns regarding "right, title, and interest" are being addressed by a new procedure to prominently note dates of expiration of a lease or acceptance of a recorded deed at the bottom of the status check sheet. Licensing staff has been instructed to be more careful and diligent in reviewing applications to insure that they are complete.

2. Database Security – The development and completion of the database is a work in progress and the comments of Legislative Audit regarding security concerns will be provided to the contractor working on completion of the database. Commissioner Tandeske has further addressed this issue with his explanation of the how the "migration of the database to a modern system that is housed at a secure location off premises" from the ABC Board offices will be completed in the second phase of the database upgrade. The ABC Board Director will draft policies concerning user security of the database system and present those to the ABC Board at its November 29, 2006 meeting. The Director will be charged with enforcing these security policies.
3. Permitting – Segregation of duties for the issuance of permits in Juneau and Fairbanks is problematic since both of these locations have only a single ABC Investigator. These offices provide permits for the convenience of the residents and licensees of the state served by these locations. This is again a function of the ABC Board's small size. The only solution to address this finding is to only issue permits out of our Anchorage office (where there is adequate staff to segregate duties) or increase the ABC Board budget to pay for staffing in Juneau and Fairbanks to adequately segregate the tasks associated with the issuance of permits. The first alternative will greatly reduce service to the public and the second will increase the ABC Board budget.

There is a log kept for permits issued to the public and ABC Board staff are looking for a cost effective way to address the permit control issues (permits are not pre-numbered) and reconciliation of permits issued to permit revenue received. This effort will result in a monthly or quarterly report accounting for permit funds. Redirecting staff resources into issuing prenumbered permits and reconciliation instead of tracking down used permits may be the best way to address this finding.

I concur with arguments made by Commissioner Tandeske regarding the usefulness of having ABC Investigators involved in issuing permits.

4. Municipal Refunds – The procedure outlined in AS 04.11.610 will be followed in the future. I have directed the Director to prepare written policies and procedures and provide a copy of them to the ABC Board at its next meeting scheduled for November 29, 2006. This statute gives the Commissioner of the Department of Public Safety a key role in determining whether enforcement of alcohol laws by municipal law enforcement agencies is active enough to warrant a refund of retail liquor license fees to local governments. The statute gives the ABC Board the role of determining when enforcement of liquor laws is sufficient to warrant resumption of a municipal refund. These provisions demand a level of collaboration between the Commissioner and the ABC Board. The Commissioner, in his response to the Management Letter No. 1, has determined that a report of a municipality's law enforcement activities be required in order to grant a refund. This is the Commissioner's responsibility, but I concur with his reading of the intent of the law. I have directed the ABC Board Director to meet with Commissioner Tandeske, or his designee, to revise the license fee sharing process in a manner that meets the intent of the law and report back to the ABC Board at its November 29, 2006 meeting.
5. License Fee Collection Activities – The ABC Board staff believed it was following procedures set out by the DPS' Administrative Services. ABC Board staff has developed further reconciliation reports that will account for all money received by the ABC Board and show it has been properly deposited. I have directed the ABC Board Director to share these reports with the Department of Public Safety and the ABC Board on at least a quarterly basis. The staff of the ABC Board will welcome any comments or suggestions on these reports to make sure they address the reconciliation, compliance, and oversight issues raised by this Finding. Once these reports prove satisfactory, a written policy will be drafted and implemented.

Alcoholic Beverage Control Board

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6. Wholesale Fee – I have directed the Director to develop, implement, and enforce written policies and procedures to improve communication between ABC staff involved in the receiving of wholesale affidavits and fees. A copy of these policies and procedures will be presented to the ABC Board when it meets on November 29, 2006.

Recommendation No. 2

The ABC Board and director should develop and implement an overall plan for enforcement activities to ensure the effective allocation of their resources.

The ABC Board enforcement staff will develop and implement an overall plan for premise inspections and compliance checks and share this with appropriate personnel in the Department of Public Safety. This will allow for improved coordination with state troopers who assist the ABC Board with its inspections. An overall plan for compliance checks will be developed and implemented beginning January 1, 2007. Other aspects of the ABC Board's enforcement efforts are in response to licensee violations, requests for assistance from law enforcement agencies, and requests from the public and, therefore, do not lend themselves to a predetermined plan.

Recommendation No. 3

The ABC Board director should ensure compliance with public notice requirements and establish procedures to ensure board meeting records are complete and accurate.

1. Board Meetings – The ABC Board director will develop and implement written policies and procedures for the noticing of ABC Board meetings to ensure that they meet statutory and regulatory requirements.
2. Statute and Regulation Change Notification – The ABC Board will expand its statute and regulation notification process to address this recommendation. The notification requirements of notifying every liquor licensee are expensive and time consuming and, therefore, have only been used when a significant change has occurred. Based on this finding, the ABC Board will take extra care to define what constitutes a "significant" change to statutes and regulations and notify the appropriate licensees when these changes occur.
3. Board Minutes – The ABC Board Director will spend more time to insure that minutes of the ABC Board's meetings do a better job of capturing members in attendance, vote tallies, meeting locations, and the testimony of persons appearing before the Board. Minutes posted on the ABC Board's website will be consistent with minutes in the official record. Written policies and procedures for taking and posting minutes of the ABC Board Meetings will be drafted and presented to the ABC Board at its next meeting.

Recommendation No. 4

The legislature should seek an amendment to Title IV to remove the voting ability of the board's director.

I believe that this recommendation should be discussed and considered by the ABC Board at its next meeting. The full board may decide to not grant its consent for the Director to act as a tie-breaking vote. I have, therefore, directed the Director to place this on the agenda for the ABC Board meeting of November 29, 2006. The arguments made by Legislative Audit to support this recommendation have merit and deserve consideration. The idea of a 30-minute recess as a tool to see if a tie vote can be resolved is also an interesting idea that the ABC Board may consider. The effect of the finding would be to require three votes from the ABC Board to pass matters before it. This would make attendance and concerns regarding conflicts of interest when members may not vote more critical. This may also have the effect of

delaying action on a license application and reducing the timeliness of decisions required under AS 04.11.510(a).

While I understand the concerns of the Commissioner with regard to the independence of the ABC Board and its staff, I do not agree that major change would improve its effectiveness. As the Commissioner points out in his letter, the ABC Board does possess considerable authority and power. Those that drafted and enacted the majority of Title 4 in 1979- 80, believed that the unique job of regulating alcoholic beverages would best be executed by an independent board that included representatives of the alcoholic beverage industry, but had a majority of strong public members. This configuration may create a degree of tension, but it is also a check and balance that provides for the public safety and welfare while guaranteeing a fair hearing for businesses engaged in the sale and manufacture of alcoholic beverages. I fear that tampering with this independence and autonomy, including removing staff from the ABC Board and placing them in a line agency, would upset the balance that presently exists.

The ABC Board has historically been under funded and many of the problems noted in this sunset audit can be attributed to lack of money to travel and develop the data controls necessary to serve and regulate the alcoholic beverage industry and respond to requests from the public. The Department of Public Safety recognized this problem and has been generous in providing direct contributions to the ABC Budget for development of a workable database and securing budget increases for the ABC Board.

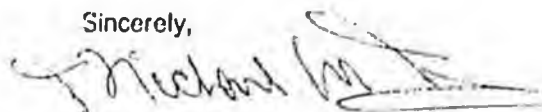
Most of the findings and recommendations of the Division of Legislative Audit are easily correctable now that the resources are available to address them. The thorough audit conducted this summer gives the ABC Board a clear road map to improve its internal controls and processes and, as you can see from my response, we are taking steps to do so. I believe the ABC Board can provide the oversight and direction described by Commissioner Tandeske, and I am having frequent communication with the ABC Board Director to address areas of concern. Additionally, the ABC Board Director will be consulting more closely with the ABC Board on legislation, internal policies and procedures, and public relation matters in the future.

AUDITORS COMMENTS

I believe that the response to questionnaires sent to police departments, licensees, local governments, and community councils was fair and reflects the work done by ABC Board staff to work with these various stakeholders involved in the regulation of alcoholic beverages. I view suggestions regarding increasing license fees to be matter for legislative consideration. If fees are raised and additional program receipts are generated, I would hope that additional funding could be directed to the ABC Board for increased enforcement, education, and improved internal controls.

Thank you again for the extension of time in which to comment on Management Letter No. 1.

Sincerely,



Mike Gordon
Chairman
ABC Board

cc: William Tandeske, Commissioner, DPS
Ted Bachman, Deputy Commissioner, DPS
Doug Griffin, Director, ABC Board

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SENATE COMMITTEE REPORT

DATE: 4/27/07

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 5/8/07

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 155(FIN)

HB 155 EXTEND ALCOHOLIC BEVERAGE CONTROL BOARD

"An Act extending the termination date of the Alcoholic Beverage Control Board; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

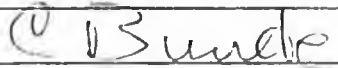
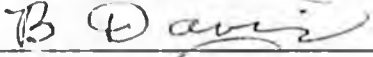
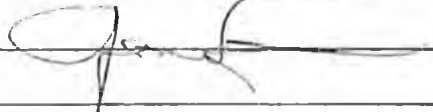
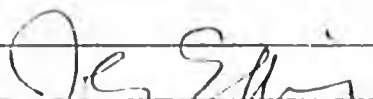
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Inc't.	Zero	FN#
H.FIN / PUBLIC SAFETY	4/19/07	✓			2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Bunde	✓			
	DAVIS	✓			
	STEVER	✗			
CHAIR: 	ELLIS	✓			

HB

158

HFIN

FILE

adopted 4/23/07 N/O

25-LS0442AK
Bullard
4/4/07

CS FOR HOUSE BILL NO. 158()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES ROSES, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for the licensing and regulation of private investigators and private
2 investigator agencies; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

5 (39) regulation of private investigators under AS 08.85.

6 * Sec. 2. AS 08 is amended by adding a new chapter to read:

7 **Chapter 85. Private Investigators and Private Investigator Agencies.**

8 **Sec. 08.85.100. License and certificate required.** (a) Unless a person is
9 licensed or holds a permit under this chapter or is exempt from licensure under
10 AS 08.85.800, a person may not

11 (1) perform the functions and duties of a private investigator;

12 (2) act in a manner intended to convey the impression that the person
13 is a private investigator;

14 (3) act in a manner that may reasonably be construed as performance

1 the functions and duties of a private investigator; or

2 (4) advertise to the public in the media as being engaged in performing
3 or as qualified to perform the functions and duties of a private investigator in this
4 state.

5 (b) Unless exempt under AS 08.85.800 or the holder of a permit under
6 AS 08.85.250, a person may not

7 (1) perform the functions and duties of a private investigator unless the
8 person is, or is employed by, a person holding a private investigator agency certificate
9 issued under this chapter;

10 (2) operate a private investigator agency without a private investigator
11 agency certificate issued under this chapter.

12 (c) A person who knowingly violates this section is guilty of a class A
13 misdemeanor.

14 **Sec. 08.85.110. General requirements for private investigators.** To obtain a
15 class A or class B private investigator license, an applicant

16 (1) must be a citizen or resident alien of the United States;

17 (2) may not have been convicted of a felony or crime involving
18 dishonesty in any jurisdiction in the 20 years preceding license application;

19 (3) may not have been convicted of sexual misconduct, as defined by
20 the department, in any jurisdiction that the department determines

21 (A) directly relates to the applicant's capacity to perform the
22 duties of a private investigator; and

23 (B) provides grounds for denying licensure under this chapter
24 to protect the citizens of the state;

25 (4) may not be on probation, parole, or named on an outstanding arrest
26 warrant;

27 (5) may not have been dishonorably discharged from the armed forces
28 of the United States;

29 (6) may not have been declared by a court of competent jurisdiction to
30 be incompetent by reason of mental disease or defect unless a court has since declared
31 the person to be competent; and

1 (7) may not be currently employed

2 (A) as a peace officer;

3 (B) by an agency of the United States, or of a state or local
4 government, if the position held involves the enforcement of law or provides
5 access to police or intelligence information or files generally considered to be
6 restricted to law enforcement or investigative personnel only; or

7 (C) in a position that, in the judgment of the department,
8 represents a conflict of interest for the prospective licensee.

9 **Sec. 08.85.120. Classes of license.** (a) The department shall issue a class A
10 license under this chapter to an individual who qualifies under AS 08.85.110 and
11 08.85.130. A class A license entitles an individual to operate a private investigator
12 agency as an individual, partner, or chief executive officer of a corporation.

13 (b) The department shall issue a class E license under this chapter to an
14 individual who qualifies under AS 08.85.110 and 08.85.140. A class B license entitles
15 an individual to be employed by a private investigator agency to perform private
16 investigations.

17 **Sec. 08.85.130. Private investigator class A license; qualifications.** (a) The
18 department shall issue a private investigator class A license to an applicant who, in
19 addition to meeting the requirements of AS 08.85.110,

20 (1) is at least 21 years of age;

21 (2) passes a written examination as required by the department;

22 (3) pays the required fee; and

23 (4) has provided evidence satisfactory to the department of work
24 experience and education or their equivalent of one of the following:

25 (A) a high school diploma and three or more years of
26 experience in investigative work;

27 (B) an associate's degree from an accredited college or
28 university and two or more years of experience in investigative work; or

29 (C) a bachelor's, master's, or doctorate degree from an
30 accredited college or university and one or more years of experience in
31 investigative work.

1 (b) In this section, a year's experience means 1,500 hours or more of actual
2 compensated work performed before the filing of an application. An applicant shall
3 substantiate the experience by providing written certifications from previous
4 employers. If an applicant is unable to supply written certifications from previous
5 employers, an applicant may offer written certifications from people other than
6 employers who, based on personal knowledge, can substantiate the applicant's
7 employment.

8 **Sec. 08.85.140. Private investigator class B license; qualifications.** The
9 department shall issue a class B license under this chapter to an applicant who, in
10 addition to meeting the general requirements of AS 08.85.110,

- 11 (1) is 18 years of age or older;
- 12 (2) passes a written examination as required by the department;
- 13 (3) pays the required fee;
- 14 (4) has a high school diploma or equivalent; and
- 15 (5) is employed by or has an offer of employment from a private
16 investigator agency licensed under this chapter.

17 **Sec. 08.85.150. License application.** (a) An application for a license under
18 this chapter shall be submitted to the department on a form and in a manner provided
19 by the department.

- 20 (b) An application must include the following information about an applicant:
- 21 (1) the applicant's full name;
 - 22 (2) the applicant's business name;
 - 23 (3) the applicant's residence address;
 - 24 (4) the applicant's residential telephone number;
 - 25 (5) the applicant's residential mailing address;
 - 26 (6) the applicant's residence history for the five years immediately
27 preceeding the application;
 - 28 (7) the applicant's business address;
 - 29 (8) the applicant's business telephone number;
 - 30 (9) the applicant's sex;
 - 31 (10) the applicant's height and weight;

- 1 (11) the applicant's hair and eye color;
- 2 (12) the applicant's date of birth;
- 3 (13) the applicant's social security number;
- 4 (14) the applicant's Alaska driver's license number and expiration date;
- 5 (15) the applicant's citizenship;
- 6 (16) the applicant's criminal history and conviction record;
- 7 (17) the applicant's employment history for the five-year period
- 8 preceding the date of application, including reasons for termination and the applicant's
- 9 eligibility for rehire;
- 10 (18) the name and address of all business entities in which the
- 11 applicant or the applicant's spouse has a vested interest.

12 (c) The application must include the applicant's

13 (1) sworn statement that the applicant is free from any mental or

14 emotional disorder that may adversely affect the applicant's performance as a private

15 investigator;

16 (2) sworn statement that the applicant has read and understands

17 AS 08.85.100 - 08.85.900;

18 (3) sworn statement that the information contained in the application is

19 true; and

20 (4) notarized signature.

21 (d) The applicant shall submit with the application

22 (1) two complete fingerprint cards containing fingerprints and other

23 information required by the Department of Public Safety to obtain state and national

24 criminal history record information under AS 12.62 and AS 12.64;

25 (2) a fee payable to the department for fingerprint processing and for a

26 national criminal history record check under AS 12.62.400;

27 (3) two photographs of the applicant suitable for a passport;

28 (4) letters of recommendation from three reputable citizens, at least

29 one of whom is a resident of the state, attesting to the good character of the applicant;

30 and

31 (5) documentation required by the department to substantiate that the

1 applicant meets the applicable requirements of this chapter.

2 (c) On receipt of an application for a license, the department shall conduct an
3 investigation to determine whether the facts set out in the application are accurate.

4 **Sec. 08.85.160. Investigation of applicants.** (a) When investigating an
5 applicant for licensure or a certificate under this chapter, the department may require
6 any information and documentation that reasonably relates to the need to determine
7 whether the applicant meets the criteria for a license or certificate. The department
8 shall also request the Department of Public Safety to compare the fingerprints
9 submitted with an application to national and state fingerprint records available under
10 AS 12.62.

11 (b) The department may, by regulation, require that fingerprints of licensees
12 be periodically reprocessed to identify criminal convictions subsequent to licensure
13 under this chapter.

14 (c) A summary of the information acquired under this section, to the extent
15 that it is public information, may be forwarded by the department to an applicant's
16 employer.

17 **Sec. 08.85.200. Licensure by credentials.** The department may grant a private
18 investigator license class A or B under this chapter to a person who

19 (1) applies on a form prescribed by the department;

20 (2) pays the appropriate application fee; and

21 (3) holds a valid license, registration, identification, or similar card
22 issued by a state that

23 (A) recognizes and accepts licenses issued under this chapter in
24 a reciprocal manner; and

25 (B) is determined by the department to have selection, training,
26 and other requirements at least as stringent as those required by this chapter.

27 **Sec. 08.85.250. Temporary permits.** (a) The department may issue a
28 temporary permit, nonrenewable and valid for a period not exceeding six months, to
29 an applicant who

30 (1) holds a current private investigator license or the equivalent in
31 good standing in another jurisdiction;

1 (2) demonstrates to the satisfaction of the department that the licensing
2 requirements of the other jurisdiction are at least as restrictive as this state's
3 requirements; and

4 (3) pays the required fee.

5 (b) A person acting as a private investigator under (a) of this section is subject
6 to all other provisions of this chapter and laws and regulations that apply to the
7 practice of private investigation in this state.

8 (c) The department shall adopt regulations regarding the issuance of a
9 temporary permit under this section.

10 **Sec. 08.85.300. License cards.** (a) The department shall issue a class A license
11 card to each individual licensed as a class A private investigator under this chapter and
12 a class B license card to each individual licensed as a class B private investigator
13 under this chapter.

14 (b) The license cards shall bear the name, license number, class of license,
15 photograph, signature, and identifying data of the licensee, and the name of the
16 commissioner.

17 (c) A licensed private investigator shall carry the license card while
18 performing the duties of a private investigator and shall produce the card within 72
19 hours on request of a licensing official of the department.

20 (d) A licensed private investigator whose license is suspended or revoked shall
21 return the license card to the department within 10 days after the date of notification of
22 the license suspension or revocation.

23 (e) In the event of loss or destruction of a license card, the licensee may apply
24 to the department for a replacement card, stating the circumstances of the loss.

25 **Sec. 08.85.400. Private investigator agency certificate.** (a) The department
26 shall issue to each private investigator agency that qualifies under this section a
27 certificate bearing the business name under which the agency is operating, the
28 authorized operating location of the business, the expiration date, and the name of the
29 commissioner. An individual is not eligible for a certificate unless the individual holds
30 a class A license under this chapter. A partnership is not eligible for a certificate
31 unless each partner holds a class A license under this chapter. A corporation is not

1 eligible for a certificate unless the chief executive officer holds a class A license under
2 this chapter. To qualify for a certificate, the agency shall provide evidence satisfactory
3 to the department of the agency's possession of

4 (1) errors and omissions insurance of \$100,000 or more; and

5 (2) a current business license issued by the department and a municipal
6 or borough license, if required.

7 (b) A private investigator agency certificate holder

8 (1) shall post and display the certificate in a conspicuous place in the
9 principal office of the certificate holder in the state;

10 (2) may not post the certificate on premises other than those described
11 in the certificate;

12 (3) may not materially alter a certificate;

13 (4) shall include the agency's certificate number in any advertisement
14 by the agency; and

15 (5) shall notify the department within 30 days after a change in the
16 agency's officers, directors, or partners, or a material change in the information
17 furnished to the department.

18 (c) A certificate issued under this section may not be assigned or transferred
19 without prior written approval of the department.

20 (d) A person who knowingly violates (b) of this section is guilty of a class A
21 misdemeanor.

22 **Sec. 08.85.500. License renewal; nontransferability.** (a) A license issued
23 under this chapter is nontransferable and, unless revoked or suspended, may be
24 renewed on a date set by the department upon proof of the licensee's continued
25 competency.

26 (b) A licensee shall apply for renewal and pay the renewal fee as established
27 by the department on or before the renewal date of the license. A licensee who fails to
28 pay the renewal fee by the renewal date set by the department may, within 30 days,
29 pay the renewal fee plus a penalty in an amount to be established by the department,
30 not to exceed twice the amount of the renewal fee.

31 (c) If a licensee fails to pay the renewal fee, with accrued penalty, within 30

1 days after the renewal date, the license terminates. The person may apply for
2 reinstatement of the license by complying with the requirements of AS 08.85.150.

3 (d) Before renewing a license, the department may request criminal history
4 information from the Department of Public Safety. The department may not renew the
5 license of a licensee who does not meet the requirements of AS 08.85.110 for a license
6 application.

7 **Sec. 08.85.550. Continuing education.** (a) Class A and B licensees under this
8 chapter shall complete 20 hours or more of education every two years.

9 (b) When a licensee applies for a license renewal under AS 08.85.500, the
10 licensee shall provide proof satisfactory to the department of having completed the
11 education requirements under this section.

12 (c) Continuing education requirements shall be established by the department.

13 **Sec. 08.85.600. Confidentiality of licensee's personal identifying**
14 **information.** A licensee's residential address, residential telephone number, electronic
15 mail address, social security number, photograph, and other personal identifying
16 information that is disclosed under AS 08.85.150 is required to be kept confidential
17 and is not subject to disclosure under AS 40.25.110 - 40.25.220 unless written consent
18 is provided by the licensee.

19 **Sec. 08.85.700. Prohibited practices.** The following acts by a person licensed
20 under this chapter are prohibited and constitute grounds for a disciplinary action of a
21 type authorized for boards under AS 08.01.075 or denial of a license under this
22 chapter, as determined by the department:

23 (1) knowingly violating a provision of this chapter or a regulation
24 adopted under this chapter;

25 (2) accepting employment that the licensee under this chapter knows to
26 include gathering information intended for illegal purposes;

27 (3) knowingly making a material misstatement or omission in the
28 application for or renewal of a license, including falsifying requested identification
29 information;

30 (4) causing another person to reasonably believe that the private
31 investigator is an agent or employee of the state, the United States, or a political

1 subdivision of the state or United States by

2 (A) wearing a uniform or presenting or displaying a badge or
3 credentials that would cause a reasonable person to believe that the person has
4 official authority as a state, federal, or municipal representative or law
5 enforcement officer;

6 (B) displaying warning or flashing vehicle lights; or

7 (C) committing an act or making a statement intended to
8 convey official status;

9 (5) conviction of a crime that directly relates to the business for which
10 the license is held or sought, regardless of whether a sentence was suspended; a
11 conviction based on a plea of nolo contendere creates a rebuttable presumption of guilt
12 as to the underlying charges, and the department shall allow the individual being
13 disciplined or denied a license under this chapter to present any mitigating evidence
14 relevant to the reason for or circumstances surrounding the plea;

15 (6) soliciting business for an attorney in return for compensation;

16 (7) failure to cooperate with the department by

17 (A) not furnishing necessary papers or documents requested for
18 purposes of conducting an investigation for disciplinary action, denial,
19 suspension, or revocation of a license under this chapter;

20 (B) not furnishing in writing a full and complete explanation
21 covering the matter contained in a complaint filed with the department; or

22 (C) not responding to a subpoena issued by the department,
23 regardless of whether the recipient of the subpoena is the accused in the
24 proceeding; or

25 (8) failure to comply with an order issued by the department.

26 **Sec. 08.85.750. Immunity for complainants.** An action may not be brought
27 against a person for damages resulting from a complaint filed in good faith with the
28 department about a person holding a license, permit, or certificate under this chapter.

29 **Sec. 08.85.760. Fees.** Under AS 08.01.065, the department shall establish fees
30 for private investigators and private investigator agencies for the following:

31 (1) filing an examination, licensing, or permit application;

- 1 (2) examination fee;
- 2 (3) investigation of application;
- 3 (4) initial license;
- 4 (5) filing a reexamination application;
- 5 (6) duplicate license;
- 6 (7) license certificate;
- 7 (8) license or permit card;
- 8 (9) renewal of a license;
- 9 (10) delinquent renewal of a license;
- 10 (11) fingerprint investigation;
- 11 (12) review of an application under AS 08.85.120.

12 **Sec. 08.85.770. Administrative Procedure Act.** Regulations and proceedings
13 under this chapter are governed by AS 44.62 (Administrative Procedure Act).

14 **Sec. 08.85.800. Exemptions.** The licensing requirements of this chapter do not
15 apply to

16 (1) a person who is employed exclusively or regularly by one
17 employer who performs investigations solely in connection with the affairs of that
18 employer if the employer is not a private investigator agency;

19 (2) an officer or employee of the United States, a political subdivision
20 of the United States, this state, or a political subdivision of this state, while engaged in
21 the performance of the officer's or employee's official duties;

22 (3) a person engaged exclusively in the business of obtaining and
23 furnishing information about the financial rating of persons;

24 (4) an attorney, while performing the attorney's duties as an attorney;

25 (5) a licensed collection agency or its employee, while acting within
26 the scope of that person's employment and making an investigation incidental to the
27 business of the agency;

28 (6) an insurer, insurance agent, or insurance broker licensed by the
29 state, while performing duties in connection with insurance transacted by the insurer,
30 insurance agent, or insurance broker;

31 (7) a bank subject to the jurisdiction of the department or the United

1 States Comptroller of the Currency, or a savings and loan association subject to the
2 jurisdiction of this state or the Federal Home Loan Bank Board;

3 (8) a licensed insurance adjuster performing the adjuster's duties within
4 the scope of the adjuster's license;

5 (9) a secured creditor engaged in the repossession of the creditor's
6 collateral or a lessor engaged in the repossession of leased property in which it claims
7 an interest;

8 (10) a person who is a forensic scientist, an accident reconstructionist,
9 or a fire investigator or who performs similar functions and who does not hold out to
10 be an investigator in any other capacity;

11 (11) a person solely engaged in the business of securing information
12 about persons or property from public records;

13 (12) a member or employee of the news media, while engaged in
14 obtaining information for the purposes of disseminating news to the public;

15 (13) a person who has a private investigator license or the equivalent
16 from another jurisdiction who acts as a private investigator in the state for less than 14
17 days in a calendar year;

18 (14) a private process server who is licensed in this state and is
19 performing duties under the Alaska Rules of Court;

20 (15) a paralegal in the employ of an attorney or law firm, while
21 performing paralegal services on behalf of an attorney or law firm; and

22 (16) a person who, for hire, or otherwise, conducts genealogical
23 research and does not represent that the person is a private investigator.

24 **Sec. 08.85.900. Definitions.** In this chapter,

25 (1) "commissioner" means the commissioner of commerce,
26 community, and economic development;

27 (2) "department" means the Department of Commerce, Community,
28 and Economic Development;

29 (3) "forensic scientist" or "accident reconstructionist" means a person
30 engaged exclusively in collecting and analyzing physical evidence and data relating to
31 an accident or other matter and compiling the evidence or data to render an opinion of

1 likely cause, fault, or circumstance of the accident or matter;

2 (4) "perform the functions and duties of a private investigator" means
3 to engage in business or accept employment to furnish, agree to conduct, or conduct
4 an investigation for the purpose of obtaining information about

5 (A) criminal offenses;

6 (B) the identity, habits, conduct, business, occupation, honesty,
7 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
8 movement, whereabouts, affiliations, associations, transactions, acts,
9 reputation, or character of a person, entity, or thing;

10 (C) the location, disposition, or recovery of lost or stolen
11 property;

12 (D) the cause or responsibility for fires, libels, losses,
13 accidents, or damage or injury to persons or property;

14 (E) evidence to be used before a court, board, officer, or
15 investigative committee;

16 (F) detecting the presence of electronic eavesdropping devices;

17 or

18 (G) the truth or falsity of a statement or representation;

19 (5) "private investigator" means a person who performs the functions
20 and duties of a private investigator.

21 * Sec. 3. AS 12.62.400 is amended by adding a new paragraph to read:

22 (15) licensure as a private investigator or private investigator agency
23 under AS 08.85.

24 * Sec. 4. AS 44.62.330(a) is amended by adding a new paragraph to read:

25 (47) Department of Commerce, Community, and Economic
26 Development concerning the licensing and regulation of private investigators under
27 AS 08.85.

28 * Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 TRANSITIONAL PROVISIONS. (a) An individual who, before July 1, 2008, was
31 validly licensed as a private investigator or private investigator agency by a political

1 subdivision of this state or who, before July 1, 2008, held a current and active business license
2 from the state for a private investigator business shall be issued a private investigator class A
3 license by the department if the person

4 (1) meets the qualifications of AS 08.85.110, enacted by sec. 2 of this Act;

5 (2) provides evidence satisfactory to the department that the person has
6 performed 1,500 hours or more of private investigation work in the business for which the
7 person holds a license;

8 (3) completes the application process required under AS 08.85.150, enacted
9 by sec. 2 of this Act; and

10 (4) pays the required fees.

11 (b) A person who does not meet the requirements of (a) of this section and, before
12 July 1, 2008, was a private investigator employed by a person who satisfied the requirements
13 of (a) of this section shall be issued a private investigator class B license by the department if
14 the person

15 (1) meets the qualifications of AS 08.85.110, enacted by sec. 2 of this Act;

16 (2) completes the application process required under AS 08.85.150, enacted
17 by sec. 2 of this Act; and

18 (3) pays the required fees.

19 (c) A person licensed under this section shall comply with license renewal
20 requirements under AS 08.85.500, added by sec. 2 of this Act.

21 (d) In this section, "department" means the Department of Commerce, Community,
22 and Economic Development.

23 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 REGULATIONS. The Department of Commerce, Community, and Economic
26 Development may proceed to adopt regulations to implement this Act. A regulation adopted
27 under the authority of this section takes effect under AS 44.62 (Administrative Procedure Act)
28 but not before the effective date of the law implemented by the regulation.

29 * Sec. 7. Except as provided in sec. 8 of this Act, this Act takes effect immediately under
30 AS 01.10.070(c).

31 * Sec. 8. AS 08.85.100 and 08.85.400, enacted by sec. 2 of this Act, take effect July 1,

1 2008.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 158(JUD)
(H) Publish Date: 4/4/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title "An Act providing for the licensing and regulation RDU Statewide Support
of private investigators and private investigator agencies . . ." Component Alaska Records & Identification
Sponsor Representatives Roses
Requester House Judiciary Component No. 1190

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY2008 budget proposal:

POSITIONS

Full-time	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will require the Department of Public Safety, Records and Identification section, to perform fingerprint-based state and national criminal history checks on persons who wish to be licensed as private investigators. The department assumes that the number of persons requesting such licensure will be fewer than two dozen per year and thus will not increase the department's workload to the extent that there is a fiscal impact.

Prepared by: David Schade
Division: Statewide Services
Approved by: Commissioner Walt Monegan
Agency: Department of Public Safety

Phone 269-0202
Date/Time 3/30/07 4:51 PM
Date 3/30/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB158(JUD)COM-OL-04-05-07
 Bill Version: CSHB 158(JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Private Investigators/Agencies RDU Corp, Bus & Prof Licensing (117)
 Component Corp, Bus & Prof Licensing
 Sponsor Roses
 Requester House Judiciary Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	14.3	34.0	34.0	34.0	34.0	34.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	2.7	6.4	6.4	6.4	6.4	6.4
Supplies	0.8	1.5	1.5	1.5	1.5	1.5
Equipment	11.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	28.8	41.9	41.9	41.9	41.9	41.9
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (1156)	112.6	0.0	0.0	83.8	0.0	83.8

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services	28.8	41.9	41.9	41.9	41.9	41.9
TOTAL	28.8	41.9	41.9	41.9	41.9	41.9

Estimate of any current year (FY2007) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation establishes licensure for occupations relating to Private Investigators and Private Investigator Agencies. The division was advised that approximately 25 individuals would apply for a class A license and 50 individuals would apply for a class B license. This fiscal note is based on the assumption there would be at least 75 licensees. Fees would be collected on a biennial basis.

An explanation of the costs shown above follows:

Prepared by: Chris Wyatt, Administrative Manager Phone (907) 465-2572
 Division: Corporations, Business, and Professional Licensing Date/Time: 4/5/07 9:48 AM
 Approved by: Emil Notti, Commissioner Date: 4/5/2007
 Agency: Commerce, Community, and Economic Development

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. CSHB 158(JUD)

ANALYSIS CONTINUATION

FY 08 Cost Analysis

The licensing of Private Investigators and Private Investigator Agencies would become effective July 1, 2008. FY 08 costs include the following for setting up the program:

Total equipment (one-time costs): \$11.0

- Sec. 08.85.300 requires License Cards with photo. Photo I.D. equipment would have an initial cost of \$5.0 with the remaining \$6.0 funding office equipment needed to establish this program.

Total Personal Services, contractual services, supplies indirect and direct: \$17.8

- Prorated Occupational Licensing Examiner position, PPT, Range 13
- Prorated printing, postage, communication, and advertising costs - Regulations-related costs to establish education criteria and standards, and other requirements including AAG time and supplies for daily program operations.

FY 09 and Subsequent Years

Total PERSONAL SERVICES: \$34.0

- Occupational Licensing Examiner position, PPT, Range 13 - indirect and direct
This fiscal note provides funding for one-half of an Occupational Licensing Examiner to provide support to this licensing program.

Total CONTRACTUAL SERVICES: \$6.4

- Printing, postage, communication, and advertising costs, \$3.0 - indirect and direct
- Regulations-related costs to establish education criteria and standards, and other requirements; including AAG time, \$3.0

Total SUPPLIES: \$1.5

To fund supplies for daily operations and special license cards - indirect and direct

REVENUE: Revenue will be generated by individuals who seek license under this bill.

Initial Private Investigator Class A license: The Division estimates 25 individuals would seek a class A license under this bill. Initially each licensee would be expected to pay approximately \$1,800.00 biennially.

Initial Private Investigator Class B license: The Division estimates 50 individuals would seek a class B license under this bill. Initially each licensee would be expected to pay approximately \$1,350 biennially.

This note does not reflect the costs of the fingerprinting fees and other fees assigned by the Department of Public Safety. These fees would be paid directly by the applicant.

Licensing fees would be adjusted at the first renewal based on actual costs and actual numbers of licensees.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB158-DPS-AST-4-5-07
 Bill Version: CSHB 158 (JUD)
 () Publish Date: _____

Revision Date/Time : _____ Dept. Affected: Public Safety
 Title "An Act providing for the licensing and regulation RDU Alaska State Troopers
of private investigators and private investigator agencies . . ." Component AST Detachments
 Sponsor Representative Roses
 Requester House Finance Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 158(JUD) is an act providing for the licensing and regulation of private investigators / agencies. According to the US Department of Labor there are approximately 43,000 private investigators nationwide (2004). Based upon the state's proportion of the national population we estimate that there are less than 100 private investigators in the state.

This committee substitute removed provisions requiring a state trooper to serve on the licensing board and the department to review applicant files. With these changes, passage of this legislation should have no fiscal impact on the Division of Alaska State Troopers.

Prepared by: Lt. Rodney Dial
 Division: Division of Alaska State Troopers
 Approved by: Commissioner Walt Monegan
 Agency: Department of Public Safety

Phone 907-247-4480
 Date/Time 4/5/07 1500
 Date 4/5/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB158-DOA-OAH-4-11-07
Bill Version: CSHB158(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An act relating to licensing and regulating private inve RDU Central Administrative Services
Component Office of Administrative Hearings
Sponsor Reps. Roses and Gruenberg
Requester House Finance Component No. 2771

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Struct. 35	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would implement licensing for private investigators and private investigator agencies, and provides oversight regulation for private investigators and private investigator agencies. While this may potentially create additional cases under the purview of the Office of Administrative Hearings (OAH), it is expected that the impact would be minimal. OAH currently has the ability to handle minimal case increases without additional personnel. More importantly and any fiscal impact would be recovered through inter-agency receipts.

The Agency therefore submits a zero fiscal note.

Prepared by: Terry L. Thurbon, Chief Administrative Law Judge
Division: Office of Administrative Hearings
Approved by: Kevin Brooks, Deputy Commissioner
Agency: Department of Administration

Phone: 465-1886
Date/Time: 4/11/07 7:30 AM
Date: 4/11/2007

ALASKA STATE LEGISLATURE

House of Representatives

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ANCHORAGE, AK 99501
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STATE CAPITOL
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Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

Sponsor Statement

CS HB 158

TITLE: "An Act providing for the licensing and regulation of private investigators and private investigator agencies; and providing for an effective date."

HB 158 allows for the statewide licensing and regulation of private investigators and private investigator agencies. A private investigator is an individual who:

- (1) investigates crimes,
- (2) investigates the identity, business, occupation, character, etc., of a person,
- (3) investigates the location of lost or stolen property,
- (4) investigates the cause of fires, losses, accidents, damage or injury, or
- (5) secures evidence for use in court.

Currently, there is no licensing authority for private investigators and private investigator agencies in the State of Alaska. 43 states throughout the United States have statewide licensing and regulatory laws that increase education and training requirements for private investigators. Without licensing, Alaska lacks the unified qualifications and regulations seen throughout the United States.

The bill would permit current private investigators, licensed by a subsection of the State of Alaska, to become certified if they have been in good standing as a private investigator or private investigator agency before July 1, 2008. If passed, the legislation would require continuing educational requirements for all licensees.

The goal of HB 158 is to protect customers from private investigators with insufficient credentials by creating a standard of operating procedures.

I urge your support of this bill.

ALASKA STATE HOUSE OF REPRESENTATIVES

Military & Veterans' Affairs, Chair
State Affairs Committee, Vice-Chair
HESS, Vice-Chair
Ways & Means Committee
Armed Services Committee



State Capitol Suite 416
Juneau, AK 99801
Phone (907) 465-4939
Fax (907) 465-2418

Representative Bob Roses

Changes between HB 158 Version A & CS HB 158(JUD) Version M

"An Act providing for the licensing and regulation of private investigators and private investigator agencies; and providing for an effective date."

Amendments are as follows:

Amendment #1:

Page 4, Line 12 & 13

Changed to:

"(2) May not have been convicted of a felony in any jurisdiction in the 20 years preceding license application;"

Amendment #2:

Page 1, Line 8

Insert a new bill section to read:

Sec 3. AS 12.62.400 is amended by adding a new paragraph to read:

"(15) Licensure as a private investigator or private investigator agency under AS 08.85."

Changes are as follows:

Page 1, Sec 1, 2, & 3:

Removed *"Board of Private Investigators,"* from the original version of the bill inserting the, *"regulation of private investigators,"* under centralized licensing.

Page 6 Line 7:

Inserted, *"(2) passes a written examination as required by the department; and"*

Page 7 Lines 28 – Page 8 Line 1:

Removed *"On completion of its investigation, the department shall submit the results with the completed application packet to the Department of Public Safety for review and final determination. As part of its review, the Department of Public Safety may conduct an interview with the applicant"*

Page 9 Lines 7 & 8:

Removed *"(1) a surety bond issued by a corporation in the amount of \$15,000 or more;"*

Page 10 Line 11:

Added, *"Class A and B licensees"*

Page 13 Lines 3 – 8:

Changed to:

“(13) a person who has a private investigator license or the equivalent from another jurisdiction

(A) registers with the department before acting as a private investigator in the state;

(B) acts as a private investigator in the state for less than 14 days in a calendar year;

(C) demonstrates to the satisfaction of the department that the licensure requirements of the other jurisdiction are at least as restrictive as this state's requirements; and

(B) demonstrates to the satisfaction of the department that the other jurisdiction allows licensees from this state to operate in the other jurisdiction;”

Page 15 Lines 18 - 24 removed.

ALASKA STATE HOUSE OF REPRESENTATIVES

Military & Veterans' Affairs, Chair
State Affairs Committee, Vice-Chair
HESS, Vice-Chair
Ways & Means Committee
Armed Services Committee



State Capitol Suite 416
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Phone (907) 465-4939
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Representative Bob Roses

Changes between HB 158(JUD) Version M to CS HB 158 Version K

"An Act providing for the licensing and regulation of private investigators and private investigator agencies; and providing for an effective date."

Sec. 08.85.110, Lines 16 – 24:

Changed to:

"(2) may not have been convicted of any felony or crime involving dishonesty in any jurisdiction in the 20 years preceding license application;

(3) may not have been convicted of sexual misconduct, as defined by the department, in any jurisdiction that the department determines

(A) directly relates to the applicant's capacity to perform the duties of a private investigator; and

(B) provides grounds for denying licensure under this chapter to protect the citizens of the state;"

Sec.08.85.200:

Change, Reciprocal licensure to, *"Licensure by credentials."*

Inserted new Sec. 08.85.250, Temporary permits:

"(a) The department may issue a temporary permit, nonrenewable and valid for a period not exceeding six months, to an applicant who

(1) holds a current private investigator license or the equivalent in good standing in another jurisdiction;

(2) demonstrates to the satisfaction of the department that the licensing requirements of the other jurisdiction are at least as restrictive as this state's requirements; and

(3) pays the required fee.

(b) A person acting as a private investigator under (a) of this section is subject to all other provisions of this chapter and laws and regulations that apply to the practice of private investigation in this state.

(c) The department shall adopt regulations regarding the issuance of a temporary permit under this section."

Sec. 08.85.300:

In sub-section (b) changed, signature of the commissioner to, *"name of commissioner"*

In sub-section (c) changed, employee of the department to, *"licensing official of the department"*

Sec. 08.85.400, Line 13 & 15:

Removed, *"name or names of the agency's licensees, the license numbers"*

Changed, signature of the commissioner to, "*name of the commissioner*"

Sec. 08.85.500(c), Line 19:

Changed, the person may reapply under AS 08.85.150 to, "*The person may reapply for reinstatement of the license by complying with the requirements of AS 08.85.150.*"

Sec. 08.85.750, line 15:

Reordered wording - should read: "*department about a person holding a license, permit, or certificate under this chapter*" not, licensed a holding.

Sec. 08.85.800:

Added, "*fire investigator*" to sub-section 10.

Removed Section (13) to difficult to enforce and serves no public protection.

Replaced with:

"(13) a person who has a private investigator license or equivalent from another jurisdiction who acts as a private investigator in the state for less than 14 days in a calendar year;"

ALASKA STATE LEGISLATURE
House of Representatives

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SESSION:
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Representative Bob Roses
email: Representative_Bob_Roses@legis.state.ak.us

Sectional Analysis
CS HB 158

TITLE: "An Act providing for the licensing and regulation of private investigators and private investigator agencies; and providing for an effective date."

- Section 1.** Adds a new paragraph to AS 08.01.010 reading, regulation of private investigators under AS 08.85, Centralized Licensing.
- Section 2.** Adds a new chapter to AS 08 specifying general requirements for private investigators, classes of licenses, education, qualifications, and provisions for licensure exemption and definitions.
- Section 3.** AS 12.62.400 is amended by adding a new paragraph reading, licensure as a private investigator or private investigator agency under AS 08.85, National history record checks for employment, licensing, and other noncriminal purposes.
- Section 4.** Adds a new paragraph to AS 44.62.330(a) stating, Department of Commerce, Community, and Economic Development concerning the licensing and regulation of private investigators under AS 08.85.
- Section 5.** Amends the uncodified law of the State of Alaska by instituting transitional provisions and guidelines for existing private investigators licensed through subdivisions of the state.
- Section 6.** Amends the uncodified law of the State of Alaska by permitting regulations to take effect under the Administrative Procedure Act.
- Section 7.** This act takes effect immediately.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 158(JUD)
(H) Publish Date: 4/4/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
Title: Private Investigators/Agencies RDU: Corp, Bus & Prof Licensing (117)
Component: Corp, Bus & Prof Licensing
Sponsor: Roses
Requester: House Judiciary Component No.: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	.	.	.	.	.	.
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (1156)	0.0	.	.	.	.	.

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)	
TOTAL

Estimate of any current year (FY2007) cost: 0 0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time		.	.	.	.	.
Part-time		.	.	.	.	.
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This legislation establishes a Board of Private Investigators, implements licensing for Private Investigators and Private Investigator Agencies, and provides for regulation of private investigators and private investigator agencies.

At this time the Division feels additional research is needed to accurately identify the staffing needed to implement the Board requirement of this legislation. This may include adding a new Board Administrator and additional staff to facilitate the regulating of the Board requirements and liaison with two Departments.

All Occupational Licensing programs and Boards are required under AS 08.01.065 to cover costs with licensing fees. Additional research will be needed to estimate the number of investigators who will seek license under this bill to estimate costs and revenue that would result from implementing the provisions of this legislation.

Prepared by: Chris Wyatt, Administrative Manager
Division: Corporations, Business, and Professional Licensing
Approved by: Emil Notti, Commissioner
Agency: Commerce, Community, and Economic Development

Phone: (907) 465-2572
Date/Time: 3/30/07 4:17 PM
Date: 3/30/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 158(JUD)
(H) Publish Date: 4/4/07

Revision Date/Time : _____ Dept. Affected: Public Safety
Title "An Act providing for the licensing and regulation of private investigators and private investigator agencies . . ." RDU Alaska State Troopers
Sponsor Representative Roses Component AST Detachments
Requester House Judiciary Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2007) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 158 is an act providing for the licensing and regulation of private investigators / agencies. According to the US Department of Labor there are approximately 43,000 private investigators nationwide (2004). Based upon the state's proportion of the nation population we estimate that there are less than 100 private investigators in the state. HB158 requires the following from the Department of Public Safety: (1) A state trooper to fill a seat on the board and participate in an unknown number of meetings per year; (2) processing of fingerprints submitted by applicants; (3) review of the applicant investigation performed by the Department of Commerce, Community and Economic Development; and (4) a possible applicant interview. It is anticipated that the commitment in resources by the DPS will be greatest in the first year following passage of this legislation, with subsequent years resulting in only a minimal impact to operations. The fiscal impact to the DPS is indeterminate.

Prepared by: Lt. Rodney Dial Phone 907-247-4480
Division Division of Alaska State Troopers Date/Time 3/31/07 1530
Approved by: Commissioner Wall Monegan Date 4/2/2007
Agency Department of Public Safety

State Licensing of Private Detectives

America's Career InfoNet

State	License Name	Licensing Agency
Alaska	<u>Private Detective</u>	City of Fairbanks City Clerk's Office
Alaska	<u>Private Detective Agency</u>	Municipality of Anchorage Municipal Clerk's Office
Arizona	<u>Private Investigators</u>	Public Safety, Department of
Arkansas	<u>Private Investigator</u>	Private Investigators & Private Security Agencies Arkansas Board of
California	<u>Exposed Firearm Permit</u>	Department of Consumer Affairs Bureau of Security and Investigative Services Licensing
California	<u>Private Investigator</u>	Department of Consumer Affairs Bureau of Security and Investigative Services Licensing
Colorado	<u>Bail Bond Agent</u>	Division of Insurance
Connecticut	<u>Bail Enforcement Agent (Bounty Hunter)</u>	Department of Public Safety Division of State Police Special Licensing and Firearms Unit
Connecticut	<u>Private Detective</u>	Department of Public Safety Division of State Police Special Licensing and Firearms Unit
Connecticut	<u>Private Detective - Fire Investigator</u>	Department of Public Safety Division of State Police Special Licensing and Firearms Unit
Florida	<u>Private Investigator</u>	Fl. Department of State
Georgia	<u>Private Detective</u>	Georgia Board of Private Detective and Security Agencies
Hawaii	<u>Detective, Private</u>	Board of Private Detectives and Guards Professional and Vocational Licensing Division Hawaii State Dept. of Commerce & Consumer Affairs
Illinois	<u>Private Detective (Class A)</u>	Illinois Department of Professional Regulation
Illinois	<u>Private Detective Agency (Class 1)</u>	Illinois Department of Professional Regulation
Illinois	<u>Private Detective Agency Branch Office (Class 1)</u>	Illinois Department of Professional Regulation
Indiana	<u>Licensed Private Detective</u>	Indiana Professional Licensing Agency Private Detective Licensing Board
Iowa	<u>Private Investigator (includes Polygraph Examiner)</u>	Field Services Bureau Private Investigative Agency Licensing Iowa Department of Public Safety
Kansas	<u>Detective</u>	Kansas Bureau of Investigation
Kentucky	<u>Private Investigator</u>	Kentucky Board of Licensure for Private Investigat Kentucky Division of Occupations and Professions
Louisiana	<u>Private Investigator</u>	LA State Board of Private Investigator Examiners
Maine	<u>Private Investigator</u>	Department of Public Safety Office of the Commissioner

State	License Name	Licensing Agency
Maryland	<u>PRIVATE DETECTIVE</u>	Maryland State Police Licensing Division
Massachusetts	<u>PRIVATE DETECTIVE</u>	Department of State Police Certification Unit
Michigan	<u>Private Detective or Private Investigator</u>	Michigan State Police Private Security and Investigator Unit
Minnesota	<u>Private Detective or Private Investigator</u>	Private Detective and Protective Agent Services
Montana	<u>Private Investigators</u>	Montana Board of Private Security Patrol Officers and Investigators
Nebraska	<u>Private Detective</u>	Nebraska Secretary of State
Nevada	<u>Private Investigator</u>	Office of the Attorney General Private Investigator's Licensing Board
New Hampshire	<u>Bail Bondsmen, Professional</u>	Bureau of Securities Regulation NH Department of State
New Hampshire	<u>Bail Recovery Agents</u>	Bureau of Securities Regulation NH Department of State
New Hampshire	<u>Private Investigators</u>	Permits and Licensing Unit NH State Police
New Jersey	<u>PRIVATE INVESTIGATOR</u>	Department of Law and Public Safety Division of State Police Identification Unit
New York	<u>Private Investigator</u>	NYS Department of State Division of Licensing Services
North Carolina	<u>Private Investigator</u>	NC Department of Justice Private Protective Services Board
North Dakota	<u>Private Investigator</u>	Executive Director ND Private Investigative and Security Board
Ohio	<u>Private Investigator License</u>	Ohio Department of Commerce Division of Real Estate and Professional Licensing
Oklahoma	<u>Private Investigator</u>	Council on Law Enforcement Education and Training
Oregon	<u>INVESTIGATOR, LICENSED</u>	Oregon Board of Investigators
South Carolina	<u>PRIVATE DETECTIVE</u>	State Law Enforcement Division (Regulatory Services)
Tennessee	<u>PRIVATE INVESTIGATOR</u>	Private Investigating Commission Division of Regulatory Boards Department of Commerce and Insurance
Tennessee	<u>PRIVATE INVESTIGATOR CERTIFIED TRAINER</u>	Private Investigating Commission Division of Regulatory Boards Department of Commerce and Insurance
Texas	<u>PRIVATE INVESTIGATOR/SECURITY GUARD</u>	Texas Board of Private Investigators and Private Security Agencies
Vermont	<u>Private Investigator and Security Guard</u>	Board of Private Investigative & Security Services Office of Professional Regulation Office of Secretary of State
Washington	<u>Private Investigative Armed</u>	Department of Licensing Private Investigator Licensing Program Private Investigators

State	License Name	Licensing Agency
Washington	<u>Private Investigative Unarmed</u>	Department of Licensing Private Investigator Licensing Program Private Investigators
West Virginia	<u>Private Investigator</u>	West Virginia Secretary of State
Wisconsin	<u>PRIVATE DETECTIVE</u>	Dept of Regulation & Licensing Direct Licensing & Real Estate Bureau

Source: America's Career InfoNet, http://www.acinet.org/acinet/licensedoccupations/lois_state.asp?by=occ
 June, 2006, updated March, 2007.



California Association of Licensed Investigators, Inc.

March 21, 2007

Representative Bob Roses
Tim Martinson, Legislative Assistance
Alaska State Capitol
Juneau, AK 99801-1182
Sent via fax: 907-465-2418

RE: HB 158 - Support

Dear Mr. Roses:

The California Association of Licensed Investigators (CALI) support House Bill 158, which addresses the licensing of private investigators in Alaska.

State licensing of private investigators in Alaska is desperately needed for many reasons. Primarily, there is a need to protect consumers. Currently no requirements exist for individuals who call themselves a private investigator. These individuals may have no knowledge about victim rights laws, consumer privacy laws, rules of evidence, or other related laws necessary to be a competent private investigator. Because there is currently no regulatory oversight, private investigators aren't required to maintain professional liability and errors/omissions insurance which offers protection to a consumer who is harmed by the actions of an incompetent investigator.

HB 158 provides parameters for which individuals who wish to work as private investigators in Alaska are required to be of good moral character, meet educational requirements and carry adequate insurance. The passage of HB 158 will not only protect consumers but will assist in establishing professionalism to those who work in this industry.

Without a state license requirement, private investigators in Alaska frequently are unable to perform investigations for law firms and insurance companies as that is a prerequisite in hiring an investigator. This requires private investigators from outside Alaska to be brought in at great expense as well as eliminating the employment opportunities for investigators living in Alaska. Without this license, Alaska is also ineligible for reciprocity with other states including California.

Finally, with the recent changes in the federal privacy laws resources that are utilized by professional private investigators may be lost to those individuals who are operating within a state without a licensing requirement.

The passage of HB 158 will secure jobs Alaska for private investigators, to protect consumers who utilize the services of a private investigator, as well as increase the accountability and professionalism of the private investigator industry in your state.

We respectfully request your support of HB 158 on behalf of the private investigators in the state of Alaska and California.

Most sincerely,

Nick Savala
President

C · A · L · I

ON CALL

BUSINESS SERVICES

PO Box 220725
Anchorage, Alaska 99522

Telephone: 907-929-4394
Facsimile: 907-929-4395
Email: akbailey@gci.net

March 12, 2007

The Honorable Bob Roses
Member, Alaska House of Representatives
State Capitol, Room 416
Juneau, Alaska 99801-1182

Re: House Bill No. 158
Private Investigator Licensing

Dear Representative Roses:

I work as a private investigator in Anchorage and am the sole proprietor of ON CALL Business Services. I am licensed as required by the State of Alaska (Business License) and the Municipality of Anchorage (Private Detective Agency Business License) and am insured.

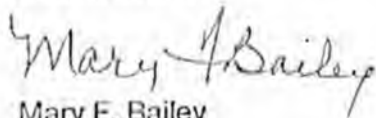
I am writing to request your support of HB 158 which will require that all investigators be licensed and insured. It will lend credibility to our profession and ensure that the investigators who operate are qualified to do so which will benefit the public. Since Alaska is one of the few states that do not require licensing, if this is not remedied it will eventually mean that the jobs will go to outside investigators who are licensed. Vendors are already beginning to limit access to their databases to licensed investigators.

The time has come for change—please support HB 158. Your assistance and consideration will be greatly appreciated.

Sincerely,

ON CALL.

Business Services



Mary F. Bailey
Owner/Investigator

mfb.RepresentativeRoses31207.doc



NATIONAL ASSOCIATION OF LEGAL INVESTIGATORS, INC.

NATIONAL DIRECTOR

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roverfielddesk@yahoo.com

March 20, 2007

The Honorable Bob Roses
Alaska State Legislature

Attention: Tim Martinson, Legislative Assistant, Fax 907-465-2418

Re: HB 158 SUPPORT

Dear Representative Roses:

I am writing this letter in support of Alaska House Bill 158 and on behalf of the National Association of Legal Investigators (NALI).

The National Association of Legal Investigators (NALI) is comprised of professional legal investigators who actively engage in negligence investigations for the plaintiff and/or criminal defense, and who are employed by investigative firms, law firms or public defender agencies. NALI members are located throughout the United States as well as countries outside the United States. The common bond of these legal investigators is their specialization in the litigation arena and working with attorneys to prepare cases for trial.

Members of NALI wholly support state regulation. Alaska is one of less than ten states in the nation without a law for licensing private investigators.

First and foremost, licensing protects Alaska consumers through state oversight. Licensing investigators within the parameters of HR 158 provides that only those meeting the educational requirements, carrying the required insurance and being of good character have the privilege of conducting private investigators in Alaska.

If there are questions regarding this letter, please do not hesitate to contact me at my California office, 510-986-8114.

Sincerely,

Francie Koehler
Chair, Legislation Committee

HR 158 support testimony

Andy Klamser
P.O. Box 4394
Homer, AK 99603
907-299-1989

I have lived in Alaska 28 years. I retired after twenty years in law enforcement and I have worked in the private sector for ten years. I have a private investigation business that operates statewide. Nearly all my clients are law firms or insurance companies; occasionally I take a private client. My work is split at about 70% civil and 30% criminal. I belong to a variety of national and international professional organizations.

I hope you will support this bill. Alaska is one of only a small handful of states that still has no licensing mechanism for the private investigation industry. I suspect that we are in the unusual situation of actually trying to get the state to regulate us. I fully understand that the state is not in the position to be taking on any new and unnecessary expenses. It is our hope that licensing can be accomplished with little expense to the state and that what expense there are will primarily be covered by licensing fees. Our state association (the Alaska Investigator's Association) has been working to try and accomplish licensing regulation for at least ten years.

I believe licensing is long overdue and very necessary for the following reasons:

- o The use of private investigators for legal investigations, insurance investigations, workplace investigations and due diligence investigations has greatly increased in the last fifteen years. In Alaska anyone can hang out a shingle and call themselves a private investigator, including felons. These same folks can end up conducting criminal defense investigations and complex civil litigation investigations and know nothing about victim rights laws, consumer privacy laws, rules of evidence, etc. During this same time period there has been a significant increase in the number of state and federal laws that can impact the work a private investigator does (particularly in the areas of consumer privacy/identity theft and in victim's rights related to criminal cases, particularly in the area of sexual assault and child abuse).
- o Because Alaska has no regulatory authority over private investigators, there is no requirement that they maintain professional liability and errors/omissions insurance. This creates a situation where an injured consumer has little economic recourse should they attempt to recover damages from an errant investigator. For many years the state has had strict licensing authority over process servers; including a bonding requirement, extensive background investigation, written test, etc. Yet process servers merely deliver court papers. Investigators are interviewing witnesses and victims in civil and criminal cases, gathering evidence in criminal and civil cases, conducting covert surveillance for insurance companies and accessing consumer information in order to conduct background checks; all without any oversight or requirements for background checks, training, continuing education, insurance, etc.

- From a business standpoint, I have been financially impacted by the lack of state licensing. Most states require private investigators to be licensed. I am frequently contacted by potential corporate clients and law firms Outside who want to make sure whoever they hire is licensed by some governmental authority. These potential clients are increasingly sending people to Alaska from elsewhere because there is no regulatory authority here.
- Many states are currently working out reciprocity agreements. These allow an investigator licensed in one state to enter another state to conduct investigations for a limited amount of time. Currently, when I have to travel to another state as part of an investigation originating in Alaska I have to hire an investigator licensed in that state to "supervise" me. This creates significant additional (and unnecessary) expense for the Alaska client.
- It has become more and more difficult to find insurance companies willing to write professional liability policies for investigators in Alaska because the state has no licensing laws.
- There are federal statutes that now govern what consumer information can be released to private investigators and under what circumstances. These statutes govern financial records, credit records, phone records and the like. There is increasing federal pressure to restrict all access to this information to private sector investigators *that are licensed by their respective states*. I believe that it is only a matter of time before investigators working in the few states without state regulation and oversight will be barred from access to this information (which we routinely use for our clients in court cases). When that happens, the business will shift to firms Outside.



UNITED STATES ASSOCIATION OF PROFESSIONAL INVESTIGATORS

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Rep. Bob Roses

Tim Martinson, Legislative Assistant
Phone (907) 465-4939
Fax (907) 465-2418
Email tim_martinson@legis.state.ak.us
Re: HB 158

Dear Mr. Roses:

I am writing to you in support of the current pending House Bill 158, which addresses the Licensing of Private Investigators in Alaska. The United States Association of Professional Investigators is a national trade association for professional investigators in both the private and the public sector. Our focus is on the education and certification of all professional investigators. Our membership includes investigators across the United States with a number of our members holding joint membership with the Alaska Investigators Association. We wish to add our voices to the chorus of support for this action.

USAPI is urging you support for this bill for several extremely important reasons. Primary among them is the protection of the consumer. Absent standards and licensing, anyone who holds themselves out as an investigator can offer investigative services without having to demonstrate even the most basic professional competence or experience. There is no requirement that they maintain professional liability and errors/omissions insurance for the protection of their clients and that leaves consumers with little or no recourse in the event of incompetence or misconduct on the part of unlicensed, unregulated investigators.

Licensing Investigators within the strictures of HB 158 will provide that only those of good moral character, who are able to meet educational and experience requirements and who carry insurance will be allowed to conduct Private investigations within Alaska. This is a very important step which protects the consumer.

In this day and in this age of rapidly evolving technology, one only has to look at the headlines to see the significant issues that arise from the use and misuse of information. Privacy questions and the state and federal regulations regarding information are becoming more complex all the time. The need for licensing and regulating investigators becomes greater with each passing day.

So, not only does HB158 make solid legal sense but from a practical and financial stand point, investigators in states without licensing standards and requirements are placed at a serious disadvantage. Many insurance companies and law firms will not hire investigators that are unlicensed. This means that out of state investigators, unfamiliar

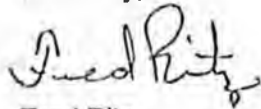
with Alaskan law and practices are hired and sent into Alaska to conduct investigations that should generate income for Alaskan investigators and revenue for the state of Alaska. Without licensing, it is more expensive and difficult for Alaskan investigators to work investigations requiring work in other states because there can be no reciprocity with licensure making them less competitive. As restrictions on information access continue, unlicensed investigators will be at an even greater disadvantage.

Private investigators have long been stereotyped in books movies and television shows. The truth of the matter is that they perform valuable services for large segments of society which include the courts; civil, criminal and family, insurance companies, the financial industries and businesses too numerous to mention.

I can think of no valid arguments against the reasonable and rational approach contained in HB158 except those made by individuals who place self interest above the public welfare and the good of the industry.

Increased professionalism, higher standards of performance and accountability will be the result of the changes that House Bill 158 will bring. The public and the investigative industry will both benefit. I thank you for consideration and ask you to lend your support to this matter

Sincerely,



Fred Ritz
President

United States Association of Professional Investigators



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www.PImagazine.com

March 19, 2007

Representative Bob Roses
Attn: Tim Martinson
State Capitol 416
Juneau, AK 99801-1182

Re: Support for HB 158

Dear Representative Roses,

This communication is made on behalf of our 30,000 nationwide readers who support legislation requiring the licensing of private investigators anywhere in the United States. As such, I am personally writing to you in an effort to encourage your support of HB 158 (An Act Providing for the Licensing and Regulation of Private Investigators and Private Investigator Agencies).

Alaska is only one of 8 remaining states that still have not established statewide legislation to regulate the investigative profession. Even though some sort of licensing already exists in Anchorage and Fairbanks, the licensing of all private investigators should be uniform throughout the entire state.

Even though I am not a resident of your beautiful state, many of our subscribers who are, have asked for my personal support. As a private investigator for the last 28 years and the owner of the only trade magazine for professional investigators in the world, I am keenly aware of the benefits of licensing. As a result, I was recently asked to help in re-write the entire New Jersey Private Detective Act of 1939. Much has happened in the last 68 years and New Jersey legislators have recognized the need to update the Act.

The investigative profession has dramatically changed in recent years and private investigators have now become an instrumental tool in helping fight terrorism in America. We are hired to conduct background checks on individuals to prevent fraud and identity theft, conduct surveillance to verify insurance fraud, assist law enforcement and the general public in locating witnesses, fugitives, and myriad of other highly specialized services.

Individuals who have no experience, no training, no formal education, and are not bonded or insured, should NOT be allowed to perform investigative services without some sort of statewide licensing. I am amazed that basically anyone in Alaska can call themselves a PI and take thousands of dollars from consumers whom they believe are qualified and part of a regulated professional. By allowing this to happen, Alaska legislators are actually contributing to the abuses that occur in an unregulated profession.

That is why almost every state has enacted legislation to set minimum standards in an effort to protect the public. I'm sure there are a few people currently working as a private investigator who don't want to be legislated. They want to be able to continue operating under the radar and refuse to recognize that the days of the gumshoe are long gone.

Federal legislation is enacted on a regular basis that significantly impact what private investigators can and can not do. However, without licensing, there is no official mechanism in place for investigators to become aware of them. Fortunately, for the residents of Alaska, they have the Alaska Investigators Association led by their President, Denise Petty. I encourage you to meet and speak with Denise so she can provide you more detailed information from a person extremely knowledgeable of the needs of investigators and the residents of Alaska.

I find it very interesting that Alaska did recognize the need for licensing process servers, yet not private investigators. You have a bonding requirement; require an extensive background investigation of each applicant, and require a written test for process servers, yet private investigators who regularly investigate criminal cases, civil investigations, interview key witnesses, testify in court, gather and maintain evidence, conduct covert surveillance for insurance companies, have access to confidential consumer information, and perform many other quasi law enforcement duties, yet no license is needed. Anyone with a business card can offer these services in Alaska with NO qualifications...and Alaska legislation allows this!

I respectfully request that you support HB 518 and the efforts of the Alaska Investigator's Association in their efforts to protect the residents of the great state of Alaska. Please feel free to contact me for any statistics about the investigative profession or anything else you would like to know about the benefits of legislating private investigators.

Respectfully,



Jimmie N. Mesis
Editor-in-Chief

Alaska Investigators Association
P.O. Box 202314 Anchorage, AK 99520
Fax: 1-866-370-1369 / aia@gci.net

2007 Board of Directors

Denise Petty -President	Erin McKay -Vice President / Treasurer
Ralph Taylor -Secretary	Andy Klamser -Director
Joe Austin -Director	Bruce Morrison -Director
Richard Norgard -Director	



BY FAX AND EMAIL

Rep. Bob Roses
Attention: Tim Martinson, Legislative Assistant
Phone (907) 465-4939
Fax (907) 465-2418
Email tim_martinson@legis.state.ak.us
Re: HR 158

Representative Roses,

My name is Denise Petty and I am the current President of the Alaska Investigators Association. I am writing this letter at the request of the Board of Directors who support the current pending House Bill 158, which addresses the Licensing of Private Investigators in Alaska.

State Licensing of Private Investigators in Alaska is needed for many reasons. First and foremost, it is needed to protect consumers. In Alaska anyone can hang out a shingle and call him or herself a private investigator, including those with recent felony convictions. These same folks can end up attempting to conduct criminal defense investigations and complex civil litigation investigations and know nothing about victim rights laws, consumer privacy laws, rules of evidence and can cause great harm to the client.

To allow anyone who so desires to offer investigative services to consumers, without regulatory oversight, opens the door to do great harm on a large scale. Alaska has no regulatory authority over private investigators; there is no requirement that they maintain professional liability and errors and omissions insurance. This creates a situation where an injured consumer has little economic recourse should they attempt to recover damages from an errant investigator. Licensing as envisioned in HB 158 provides only those of good moral character, meeting educational requirements and carrying insurance will be afforded the privilege of being a Private Investigator. This protects the Citizens of the State of Alaska.

Many of us providing private investigation services have been negatively impacted from a financial standpoint due to the lack of licensing on a state level. Many law firms and insurance companies require a state license as part of their criteria for hiring an investigator. As Alaska currently does not have a state license, these potential clients in turn send investigators from other licensed jurisdictions to work cases in Alaska, thereby limiting the earning potential of the Alaskan investigators. Additionally, not having a state license eliminates Alaskan Investigators from working cases in other states, if the case requires such, because we cannot offer reciprocity without licensing. Locating and hiring an investigator in another jurisdiction is costly and it is time-consuming, which cause the investigator's clients additional costs.

Recent changes in Federal Privacy Laws have caused Insurance rates to increase, with the threat of non-coverage of for investigators in unlicensed states looming on the horizon. Additionally, access to information databases and resources are quickly following suit. It very well may be that in the future, non-licensed investigators will be stripped of their databases and ability to obtain liability insurance. When this happens, there will be a tide of Outside investigators migrating into Alaska who will be working Alaska cases, reaping the financial rewards while contributing nothing substantial to the Alaskan economy. Additionally, their working knowledge of Alaska Criminal and Civil Laws will most likely be limited, thereby increasing the liability exposure to their clients.

Private Investigation, as an industry, has evolved substantially in the past ten years. Despite some irritating stereotypes that prevail to this day, the modern investigator contributes much to both the legal and private sectors. For example, Insurance Investigations assists in preventing rates from skyrocketing by exposing fraud. Criminal and Civil Case Investigation helps alleviate the burden on an already over-taxed Court System, as well as helping provide an adequate defense to the average consumer of the law. Families reunited, debtors located for both Small Business and Child Support purposes, and locating missing/endangered persons are all just tip-of-the-iceberg examples of how beneficial Private investigation services are to the public. It is a profession requiring specific skills, ethics, standards and knowledge, and HB 158 will ensure that those who practice the profession of Private Investigations will have met these standards.

By supporting this Legislation, you can help our local industry remain responsible and productive. HB 158, can be summed up to one word: accountability. Thank you for your time and consideration in this most important matter.

Respectfully,

Denise M. Petty
President
Alaska Investigators Association

Cc: AIA Board of Directors
Tres Lewis, Legislative Liaison

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March 13, 2007

Representative Bob Roses
State Capitol, Room 103
Juneau, AK 99801-1182

Dear Representative Roses,

I am writing to you concerning HB 158 (An Act Providing for the Licensing and Regulation of Private Investigators and Private Investigator Agencies).

I have lived and worked in Alaska for nearly thirty years; twenty six of them in Homer. I retired after twenty years in law enforcement and I have worked in the private sector doing investigations for law firms and insurance companies for the last ten years.

I hope you will support this bill. Alaska is one of only a small handful of states that still has no licensing mechanism for the private investigation industry. I suspect that we are in the unusual situation of actually trying to get the state to regulate us. I fully understand that the state is not in the position to be taking on any new and unnecessary expenses. It is our hope that licensing can be accomplished with little expense to the state and that what expense there is will primarily be covered by licensing fees. Our state association (the Alaska Investigator's Association) has been working to try and accomplish licensing regulation for at least ten years.

I believe licensing is long overdue and very necessary for the following reasons:

- o The use of private investigators for legal investigations, insurance investigations, workplace investigations and due diligence investigations has greatly increased in the last fifteen years. In Alaska anyone can hang out a shingle and call themselves a private investigator, including felons. These same folks can end up conducting criminal defense investigations and complex civil litigation investigations and know nothing about victim rights laws, consumer privacy laws, rules of evidence, etc. During this same time period there has been a significant increase in the number of state and federal laws that can impact the work a private investigator does (particularly in the areas of consumer privacy/identity theft and in victim's rights related to criminal cases, particularly in the area of sexual assault and child abuse).

- Because Alaska has no regulatory authority over private investigators, there is no requirement that they maintain professional liability and errors/omissions insurance. This creates a situation where an injured consumer has little economic recourse should they attempt to recover damages from an errant investigator. For many years the state has had strict licensing authority over process servers; including a bonding requirement, extensive background investigation, written test, etc. Yet process servers merely deliver court papers. Investigators are interviewing witnesses and victims in civil and criminal cases, gathering evidence in criminal and civil cases, conducting covert surveillance for insurance companies and accessing consumer information in order to conduct background checks; all without any oversight or requirements for background checks, training, continuing education, insurance, etc.
- From a business standpoint, I have been financially impacted by the lack of state licensing. Most states require private investigators to be licensed. I am frequently contacted by potential corporate clients and law firms Outside who want to make sure whoever they hire is licensed by some governmental authority. These potential clients are increasingly sending people to Alaska from elsewhere because there is no regulatory authority here.
- Many states are currently working out reciprocity agreements. These allow an investigator licensed in one state to enter another state to conduct investigations for a limited amount of time. Currently, when I have to travel to another state as part of an investigation originating in Alaska I have to hire an investigator licensed in that state to "supervise" me. This creates significant additional (and unnecessary) expense for the Alaska client.
- It has become more and more difficult to find insurance companies willing to write professional liability policies for investigators in Alaska because the state has no licensing laws.
- There are federal statutes that now govern what consumer information can be released to private investigators and under what circumstances. These statutes govern financial records, credit records, phone records and the like. There is increasing federal pressure to restrict all access to this information to private sector investigators *that are licensed by their respective states*. I believe that it is only a matter of time before investigators working in the few states without state regulation and oversight will be barred from access to this information (which we routinely use for our clients in court cases). When that happens, the business will shift to firms Outside.

Please feel free to contact me if you have any questions or concerns. I am hopeful that you can support this legislation and help our *local* industry stay professional, responsible and productive.

Respectfully,

Andy Klamsner



America's Newspapers

Paper: Anchorage Daily News (AK)
Title: LAW MAY NOT SUFFICE TO PROTECT PRIVACY
Date: August 16, 1992

If there's any lesson Alaskans should have picked up from Alyeska's investigation of internal leaks, it's that they have less protection from prying than they may have thought. In their efforts to uncover leaks, Alyeska Pipeline Service Co.'s private investigators swiped people's trash and got their home telephone records, criminal records and credit reports, among other things.

Some of what the operatives did, such as taking trash, appears to be legal. Other actions, including getting telephone records, are considered borderline because of loopholes in federal and state laws and it is unclear which of those actions if any could trigger prosecution.

But investigators say privacy laws are changing rapidly to offer more protection in a computerized age in which more information is more easily accessed than ever before. At least some private investigators say they also have faced increased scrutiny over the past several years from prosecutors who have begun to read existing laws more broadly or enforce laws they had ignored before.

The changes have created some bitterness among private investigators, who complain that law enforcement officials are quite willing to prosecute them, but unwilling to teach them where the new lines are. They also say limiting information will inhibit the legitimate attempts of people to get information, including searches for information to help locate deadbeat dads or the natural parents of adopted children.

One investigator who apparently found himself bumping up against the shifting rules was Ron Eriksen, the mysterious Arizona information broker who may have helped Alyeska's investigators get people's telephone records.

Eriksen's colleagues in Arizona say the talented and well-known investigator had become increasingly fearful he would be snared by over-zealous prosecutors because he operated in the "gray area" between what is clearly legal and what is not.

Obtaining telephone toll records falls in the middle of the gray area, according to Phoenix investigator Scott Bressette and Leroy Cook, co-owner of "The Resource Line," an Arizona-based service that links investigators with informants.

Eriksen left the business after the Alyeska investigation. His friends say they don't know where to find him.

"(Eriksen) has been a valuable source of hard-to-get information for people trying to run down thieves, con artists, bad guys," Cook said. After the recent crackdowns, he said, "Ron said, 'Hey, I don't need to deal with people in that kind of world.'"

Bressette and Cook attribute the information brokering crackdown, in part, to the 1989 murder of rising young actress Rebecca Schaeffer. National news stories have made the same point.

Schaeffer, a co-star on the TV sitcom "My Sister Sam," was gunned down at the security door of her apartment in Los Angeles. According to The Los Angeles Times, her killer tracked her down with the aid of a private investigator who obtained her address from department of motor vehicle records.

After her death, California attempted to place those records out of reach of private investigators, although by last year at least some investigators had figured out ways around the law.

Nonetheless, Bressette and Cook say, the actress's death made a clear impression and activated privacy groups nationwide to push for more stringent laws like California's.

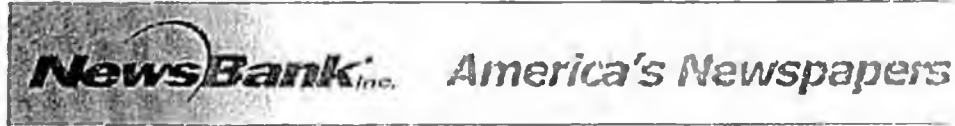
Bressette himself was snagged in a crackdown on information brokering last year when he was indicted for illegally obtaining Social Security information.

At the time, federal authorities said their investigation into government information leaks was only the first step in their attempts to stop the high-tech pillaging of Americans' right to privacy.

"It shook up the whole industry," Cook said. "Nobody trusts anybody anymore."

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Author: KIM FARRARO Daily News business reporter Staff
Section: Nation
Page: A9
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Paper: Anchorage Daily News (AK)

Title: WASILLA LANDLORD PLEADS NO CONTEST TO PEEPING ON RENTERS

Date: March 26, 1998

A Wasilla landlord who secretly spied on tenants through two-way mirrors and peepholes connected to a series of hidden passageways pleaded no contest Wednesday to burglary and indecent viewing.

Lynn Lacey, 44, entered the plea in state Superior Court in Palmer. He originally had faced more than 20 criminal counts, including possession of child pornography and theft, after Alaska State Troopers found last year that he had been spying on and stealing from renters at his apartments on Buttercup Street in Wasilla.

In exchange for his plea, prosecutors agreed to reduce the charges to two counts of indecent viewing, one count of second-degree burglary and one count of offering a false document for recording. Prosecutors said Lacey transferred ownership of his property to a fictitious company.

Lacey's spying was discovered last summer after a tenant, who worked as a framer, became suspicious about the size of the rooms. He thought they were too small in relation to the Queen Anne that housed the apartments.

The man's suspicions were confirmed when he shined a flashlight through a bathroom mirror and saw an unfamiliar room. Another tenant then discovered a trap door in his bedroom and several holes drilled into the back of a bookshelf wall, which looked into a large, dark room.

Troopers who searched the apartments found several hidden passages leading back to Lacey's apartment and a secret room containing photographs of nude men and women, dozens of pairs of women's underwear and dozens of pornographic videos. Items from the tenants, including lingerie and a bottle of lotion, also were found.

Lacey told officers at the time that he'd acquired the items in his work as a **private investigator** and owner-operator of a wrecking service. He also said he knew about one of the mirrors and all of the secret areas, but never used them or the peepholes in the seven years he had lived there off and on.

In addition to facing a sentence of up to eight years in prison, Lacey also is a defendant in civil suits filed by three former tenants.

His sentencing is scheduled for June 29.

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Author: S.J. Komarnitsky Daily News Mat-Su Bureau Staff

Section: Metro

Page: B1

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Paper: Anchorage Daily News (AK)
Title: METRO NEWS
Date: February 7, 1986

DNR seeking volunteers The Alaska Department of Natural Resources is seeking volunteers to work in the agency's information center on the 10th floor of the Frontier Building in Anchorage, according to spokeswoman Miko Lee. Volunteers would be trained to help explain the operation of state parks, state forests and land disposals to the general public. Volunteers also would have some opportunities for travel, he said. They also would receive employee service credits and could list their volunteer experience when applying for state jobs. For more information, call Lee at 762 4532. Anchorage man charged PALMER -- Police here filed charges of impersonating a public servant Tuesday against an Anchorage man who claims to be a private detective. According to court records, Kenneth Gage, 21, falsely identified himself as a social worker Dec. 9 at Valley Hospital, and proceeded to examine a burn on a child. The same day, he told a Palmer police dispatcher he was an Anchorage Police Department investigator and requested confidential information on how to contact a person for an interview, the charges state. Gage also faces a concealed weapon charge in Anchorage. He was released on his own recognizance Tuesday. Daily News staff reports

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Author: Daily News staff reports Staff
Section: Metro
Page: C3
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Austin & Associates

Rep Bob Roses
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Juneau AK 99801-1182
Attention: Tim Martinson, Legislative Assistant
E-mail tim_martinson@legis.state.ak.us

P. O. Box 110753
Anchorage, AK 99511
T 907-345-7059
F 907-245-0218
SUB: 2007-03-20

March 20, 2007

Re: HB 158

Dear Representative Roses,

I am writing you in support of HB 158, addressing the licensing of Private Investigators in Alaska.

I have had my own Private Detective Agency the last twelve years. I opened my agency after retiring from the Anchorage Police Department in 1994. Most of my tenure with the Department was in the Detective Division. During my career, I accumulated well over 3000 hours of specialized training in various aspects of investigations. I also investigated all manner of criminal cases, from serial murder, to complex white collar crimes.

Since opening my own agency, I have continued my education and training in this field. Even with my thousands of hours of training and experience, as a police detective, I still had to learn more about the ever changing privacy laws and rules, both state and federal.

Shortly after starting my own agency, I joined the Alaska Investigators Association. Almost immediately, I became involved in researching the issue of PI licensing in the State of Alaska. The PI Licensing Committee, of the AIA, spent many hours on this project. Since we started this research, we found we were one of only a handful of states that did not require a specific license for Private Investigators.

It is very disturbing to me, that at the present time, all one needs is a business license, with no experience or training required. I have personally experienced several unscrupulous, inexperienced, and criminally active, private investigators, both while I was a police detective, and as a private investigator.

Without belaboring the point, I echo my colleagues concerns, not only for the protection of the public, but the economic impact to those of us practicing private investigators in Alaska.

I recently completed researching private investigator business licenses in Alaska. I also randomly checked some against the Alaska Courts data base and sex offender registry. In addition, I checked the Anchorage Yellow Pages, and cross referenced ads for detectives and investigators, with the State of Alaska business license activity code 561611 (Investigation services.)

Number of current active state business licenses for private investigators- 165 total

Number of State business licenses held by firms outside Alaska- 40 total

Number of PI licenses to firms in Alaska- 125 total

(note: Many are locksmiths and/or security alarm companies of the 125.)

There are also a few listed under other activity codes such as legal services

2006/2007 Anchorage phone book yellow page listings under detectives and investigators- 40

Total number of those listed who's license is current with the State of Alaska- 11

Total number with expired licenses or no license but advertise- 29

In my random search I found the following criminal histories:

Current PI license holders with criminal histories-

1. Sexual assault and registered sex offender out of compliance.
2. Hindering prosecution.
3. Domestic violence assault.
4. Theft.
5. Commercial bribery.

Expired license but advertisement in the yellow pages:

1. Sex crime.
2. Failure to register as a sex offender.

I am aware of other instances where persons calling themselves private investigators committed crimes, such as the person, several years ago, in the Valley was looking through a one way mirror at his tenants in the bathroom.

As a homicide detective with the Anchorage Police Department, I was involved with two cases where families had hired a private investigator. One was a suicide, where a young man shot himself in the head in front of a group of young school children and other adults. He also had a history of suicide attempts. The grieving family could not bring themselves to believe their son had killed himself, so they hired a private investigator, who took their money, investigated, and told the family their son was murdered.

The other case was a homicide. The medical examiner's initial finding was she died of natural causes. A year or so later, the victim's boyfriend confessed after a bout with his conscience. Before he confessed we lacked the evidence for a prosecution. Again, her family, who were from Mexico, hired a local PI. His claim was that she was killed over some drug dealings. He took their money also. There was never any evidence to support his theory. When the boyfriend confessed we learned it was a domestic violence, No drugs were ever involved.

The last example I'll include in this letter is a case from the late 1990's, I ended up investigating, after a so called PI, with a very official sounding company name, and a big ad in the yellow pages, used his position to; threaten potential witnesses; attempted sexual assault; forged court documents; and impersonated a public servant. He was, and is, well known to law enforcement dating, back to his teens. This was a homicide case and he had no experience what-so-ever in handling such a complex case. The wife of the man charged, looked at his impressive ad in the phone book, and called him.

The often voiced opposition from those against Private Investigator licensing, is that the market place will sort them out. Tell that to a citizen, who picks a name out of the phone book, and hires a untrained, inexperienced, or who falls pray to a criminal mind.

HB 158 is desperately needed too protect the public.

The second reason I'm supporting HB 158, is the economic impact on those of us practicing here in Alaska. As I pointed out earlier, there are 40 PI firms from the lower 48, who hold business licenses in Alaska. While some out of state firms may have nation wide contracts, others are here because their clients won't hire locally, a company only displaying a business license. I am frequently asked by outside attorneys and insurance companies, what qualifications, PIs in Alaska, have for licensing.

If you would like more information please feel free to contact me.

Sincerely yours,



Joseph B. Austin

Austin & Associates



DC RECOVERY & INVESTIGATIONS
748 GAFFNEY RD. STE. 104
FAIRBANKS, ALASKA 99701
Tel . (907) 374-4633 Fax 1.866.370.1369
dcri@gci.net www.dcrionline.net

BY FAX AND EMAIL

Rep. Bob Roses
Attention: Tim Martinson, Legislative Assistant
Phone (907) 465-4939
Fax (907) 465-2418
Email tim_martinson@legis.state.ak.us

Re: HB 158 Testimony

Wednesday, March 28, 2007

Representative Roses,

My name is Denise Petty and I writing this letter with respect to my testimony regarding HB 158. To introduce myself: I own and operate DC Recovery & Investigations (DCRI), which is located in Fairbanks, Alaska. I lease an office in downtown Fairbanks. I have been a Private Investigator for four years. Highlights of my prior work experience include as a Federal Judicial Secretary / Judicial Clerk, ECRS, Paralegal and law office Manager. I received an AAS in Paralegal Studies from UAF in 2002, and my Master Detective certification from the Detective Training Institute in 2006 (accredited).

I have a current Alaska Business License; Fairbanks Municipal Private Investigator's License and a City of Fairbanks Business License. (Recently enacted, to be issued as of April 15th) I am bonded and also carry Errors and Omissions Insurance. I am the President of the Alaska Investigator's Association, and am a member of the following organizations: United States Association of Private Investigators, National Council of Investigation and Security Services, and the National Association of Investigative Specialists.

Alaska currently has no regulatory authority over private investigators; there is no requirement that they maintain errors and omissions, as well as liability insurance. This creates a

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situation where an injured consumer has little economic recourse should they attempt to recover damages from an errant investigator. Licensing as envisioned in HB 158 provides only those of good moral character, meeting educational requirements and carrying insurance will be afforded the privilege of being a Private Investigator. This protects the Citizens of the State of Alaska.

To borrow from the letter I wrote on behalf of the AIA Board members: Many of us providing private investigation services have been negatively impacted from a financial standpoint due to the lack of licensing on a state level. Many law firms and insurance companies require a state license as part of their criteria for hiring an investigator. As Alaska currently does not have a state license, these potential clients in turn send investigators from other licensed jurisdictions to work cases in Alaska, thereby limiting the earning potential of the Alaskan investigators. Additionally, not having a state license eliminates Alaskan Investigators from working cases in other states, if the case requires such, because we cannot offer reciprocity without licensing. Locating and hiring an investigator in another jurisdiction is costly and it is time-consuming, which cause the investigator's clients additional costs.

I have additional concerns, of a financial nature. Recent changes in Federal Privacy Laws have caused Insurance rates to increase, with the threat of non-coverage of for investigators in unlicensed states looming on the horizon. Additionally, access to information databases and resources are quickly following suit. It very well may be that in the future, non-licensed investigators will be stripped of their databases and ability to obtain liability insurance. When this happens, there will be a tide of outside investigators migrating into Alaska who will be working Alaska cases, reaping the financial rewards while contributing nothing substantial to the Alaskan economy. As it currently stands, there are investigators coming to Alaska to work cases on what I refer to as a hit-and-run basis. They amass multiple cases, fly up, work the cases and leave. Aside of the small amount spent on rental cars, meals and hotels, Alaska is not benefiting from this. It is, however, negatively impacting Alaskan PI's who live here, operate our businesses here, and pay the necessary costs to do so.

I would like to expand further with additional information regarding the above concerns. First, I would like to address the potential harm to consumers. I have conducted some research regarding cases where consumers were injured by an individual calling themselves a "Private Investigator". I will not go into specifics at that time, but I can provide details upon request.

1) A man referring to himself as a PI was arrested for sneaking into a women's bathroom in the State Building located in Fairbanks, Alaska. He hid in a stall and viewed women t' rough a

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gap in the dividers. A woman caught him, and he was arrested and prosecuted in 1997 for this crime. However, he was granted an Alaska business license in 2003 as a Private Investigator.

- 2) A man was arrested in 2004 in Anchorage Alaska for molesting two girls, aged 12 and 16. He not only referred to himself as a PI, but also carried and distributed a card that designated himself as a "Special Private Investigator, Lead Detective." This card included an official-looking insignia that must have impressed those two young ladies. This man had a history of criminal offenses, and as many as 9 aliases. I located 10 felonies and 6 misdemeanor offenses for this person, some offenses going back to 1989.
- 3) Another man was arrested for 3 felony sexual assault charges, 2 felony forgery and a felony charge for impersonation of a public servant in 1998, after being granted an Alaska Business License, as a PI, in 1997.
- 4) Another in palmer/Wasilla area acting and holding himself out to be a PI with a bankruptcy and 2 felony sexual assault charges.
- 5) Yet another man acting as a PI who had domestic violence and hindering prosecution convictions.
- 6) I once had a client who came to me as, after his vehicle was impounded, a man referring to himself as a PI offered to get his vehicle out of impound for him if he signed the title over (allegedly on a temporary basis) and paid him \$500.00. My client was wary, and with good reason. After doing some investigation of my own on this "PI", I discovered that this person had been convicted of stalking, had been accused of molesting his son (his son shot him, nearly killing him for this), and was frequently overheard telling people he worked for the CIA, FBI and DEA, but was so covert that they would deny any knowledge of him. He also took credit for bringing Pablo Escobar to justice.

These are just a few examples, sadly. While requiring a PI license is not going to keep Sex Offenders from offending, as an example, it gives the consumer a reliable way to verify whether that is indeed their occupation.

Another concern I have mentioned is that there are a number of outside companies that come to Alaska and work Alaska cases due to the fact that their client requires a state license to hire the investigator. I reviewed some information a colleague sent me using Alaska business license records, and while I was aware there were a number of these investigators and companies coming here to work, I was literally appalled to find that number, conservatively, to be in the

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ballpark of 40 entities/individuals. I am sure that number is much higher, when you factor in those that have not applied for a business license, and those companies that send in more than one investigator. Requiring PI licenses for outside companies and limiting the number of days that they can work in Alaska each calendar year will greatly improve the economic situation for the Alaskan Investigator. And, as mentioned above, having licensing in place will assist both the Alaskan investigator and their clients when it comes to reciprocity, for those cases that require work in another state.

What is of equal concern are the number of persons who advertise in the Anchorage area phone books under "Private Investigator", "Detectives", "Investigators" that do not have a business license, which is a requirement to do business in the state of Alaska. Individuals such as these, who disregard (or are ignorant of) even the simplest of laws, are persons who I seriously doubt are going to have the skills and professionalism required to conduct a legal, ethical and effective investigation.

Education is another area where licensing will assist both the consumer and the investigator. It is beyond me how any person without a reasonable working knowledge of the law would think, even for a minute, that they could effectively act as an investigator. I have heard from some that it is their belief that doing a simple surveillance case has nothing to do with the law. This perception is incorrect. For example, in a domestic or insurance case, knowledge of issues such as expectation of privacy, trespass, wire-tapping, communication with a party who is represented by an attorney, and stalking are all critical to conducting a valid, legal investigation. Both Federal and State laws are ever-changing, and having continuing education guidelines ensures that those in this profession who wish to remain in business will continue to learn.

Lastly, I would like to touch on the issue of moral character. While morality can be viewed as a somewhat subjective term when applied to society as a whole, it becomes a more narrowly defined term when applied to a profession. Allowing individuals with criminal records, multiple bankruptcies, domestic assault charges or dangerous driving records into a profession where there is an expectation of ethics, professionalism, confidentiality and competency greatly demeans *all* in the profession.

Despite the stereotype of PI's being able to use "whatever means necessary" to conduct their investigation, those of us in this profession, as professionals, know the laws and limitations of what we can and cannot do. Private Investigation, as an industry, has evolved substantially in the past ten years. We first do no harm, much as a physician. We do not trample one person's

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4

rights, acting as judge and jury to further the interests of our clients. We are the "good guys", helping our clients in a manner that will still further their interests and meet their needs, but without trampling on the rights of others. Despite some irritating stereotypes that prevail to this day, the modern investigator contributes much to both the legal and private sectors. For example, Insurance Investigations assists in preventing rates from skyrocketing by exposing fraud. Criminal and Civil Case Investigation helps alleviate the burden on an already over-taxed Court System, as well as helping provide an adequate defense to the average consumer of the law. Families reunited, debtors located for both Small Business and Child Support purposes, and locating missing/endangered persons are all just tip-of-the-iceberg examples of how beneficial Private investigation services are to the public. It is a profession requiring specific skills, ethics, standards and knowledge, and HB 158 will ensure that those who practice the profession of Private Investigations will have met, and continue to meet, these standards.

By supporting this Legislation, you can help our local industry remain responsible and productive. HB 158, can be summed up to one word: accountability. Thank you for your time and consideration in this most important matter.

Respectfully,



Denise M. Petty
Owner / Investigator
DC recovery & Investigations
Fairbanks Municipal Lic. # 2006-0019

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HB

159

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 159(HES)
 (H) Publish Date: 3/16/07
 Dept. Affected: Health & Social Services
 RDU Public Health
 Component Bureau of Vital Statistics

Revision Date/Time (Note if correction):
 Title STILLBIRTH CERTIFICATE

Sponsor GATTO
 Requester HOUSE (HES)

Component No. 961

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)	1.0	1.0	1.0	1.0	1.0	1.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other - Receipt Supported Services						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time					
Part-time					
Temporary					

ANALYSIS: (Attach a separate page if necessary)

HB159 would require the Bureau of Vital Statistics (BVS) to issue, upon the request of a parent, a "certificate of birth resulting in a stillbirth" for an intrauterine fetal death occurring after 20 complete gestational weeks. Approximately 50 stillbirths are recorded in Alaska annually. Based on response in other states passing similar legislation, it is expected most families would request such a certificate. These certificates would cost \$20.00 each. The division has adequate budget authorization to receive these additional receipts resulting in a zero fiscal note, even though there will be a cost to the requestor similar to other certificates.

Minimal programming and administrative time will be necessary to issue such certificates - amounting to an estimated \$1,000 annually. Assuming 50 certificates are issued each year at \$20 each, costs will be covered by the fee. The BVS budget is funded primarily by receipt supported services; all certificates issued - birth, death, fetal death - require a \$20 fee.

Prepared by: Jay Butler, M.D.
 Division Public Health
 Approved by: Karloen Jackson, Commissioner
 Agency Department of Health and Social Services

Phone 465-3090
 Date/Time 03/02/2007
 Date 03/06/2007

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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State Capitol
Juneau, Alaska 99801-1182
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MEMORANDUM

April 18, 2007

SUBJECT: Certificate of Birth Resulting in Stillbirth
(CSHB 159 (JUD)(Work Order No. 25-LS0647M))

TO: Representative Carl Gatto
Attn: Sandra Wilson

FROM: Jean M. Mischel
Legislative Counsel 

You have asked for verification that subsection (f) on page two, lines 12 - 13 of the above referenced bill allows for the issuance of a certificate of birth resulting in stillbirth to a parent who experienced a stillbirth before the effective date of HB 159, if it passes the legislature. The answer is yes.

The subsection at issue states:

(f) A parent may request that the bureau issue a certificate of birth resulting in stillbirth regardless of the date on which the certificate of fetal death was issued.

As long as a certificate of fetal death was issued in the state under AS 18.50.240, a parent may request, under subsection (f), that a certificate of birth resulting in stillbirth be issued at any time. A retroactivity clause is not necessary to accomplish this since the subsection is clear as to timing and, after the effective date, the parent may make such a request.

If I may be of further assistance, please advise.

JMM:med
07-255.med



Alaska State Legislature

Please enter into the record my testimony to the _____ House Finance Committee on _____ HB159 _____,
dated _____ 041707 _____.

I was unable to attend the public testimony at the local LIO office here in Kenai today regarding HB 159. This bill is very important to many people, myself included. Three years ago, I lost a daughter at 39 1/2 weeks of gestation. I went into the hospital for a routine test and we found there was no heart beat. I opted to have a C-Section as I felt traumatized enough by the loss of my daughter, that I felt I could not go through several hours of labor to have a silent baby carried out of the room. In the middle of night, I was awoken by a nurse who told me I had to decide what we were going to do with "the body" since our local hospital does not have a morgue.

Early the next day, another nurse came in and had us fill out a Birth Certificate. Then, 15 minutes later, another nurse came in and told us that we filled out the wrong form and we had to fill out a form for a Death Certificate. All of this added to the trauma our family was already going through. It was liked being kicked when I was down when I found out that I could only receive a Death Certificate.

Validation that she existed, even if only to me, my family and my physician, was so important. And I couldn't even get that. Our daughter was already a member o. our family. Something as easy as a "Certificate of Birth Resulting in Still Birth" means something that probably no one can understand except for another parent of a still born infant. That piece of paper is just about the only positive thing in a situation like that. When you have to go home and empty the diaper bag and take down the crib, it is a feeling of total loss and sadness. And when I go through what belongings I have from her, her gown, a lock of her hair, her hand and foot prints, I would like to have the Birth Certificate as well. I know other parents that have experienced this loss and they feel the same way.

Please consider this bill as important as I do. If worded correctly, the document would not be able to be used to obtain fraudulent benefits. I appreciate your time and consideration. Please join the several other states offering this document and help parents that have lost a child obtain something that may make the loss a little less painful.

Respectfully, Rhonda Crawford-
907-394-3739, 907-263-7224, 35875 Poppy Ridge Rd, Soldotna AK 99669

Alaska State Legislature

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Representative Carl Gatto
Co-Chair, House Resources Committee
District 13 - Palmer

SPONSOR STATEMENT

HB 159

"An Act relating to the issuance of a certificate of birth resulting in stillbirth."

HB 159 is meant to help bring closure to those who have suffered the loss of a stillborn child by giving them a Birth Certificate reflecting that they had a child who was stillborn. To paraphrase one parent of a stillborn child said being able to receive a Birth Certificate for that child would make me feel complete in that it would acknowledge that my daughter existed, even if it was only for a short while.

In existing law parents of a stillborn child receive a death certificate. This bill would allow parents the option of requesting a certificate of birth for their stillborn child. This birth certificate is completely optional. If the parents choose to have a Birth Certificate issued they also have the choice to have a name on it and if they choose not to name the child the Birth Certificate will reflect either "baby boy" or "baby girl."

There are an increasing number of states that are now offering Birth Certificates for parents of Stillborns. Let us join these states and offer parents of stillborns the option of obtaining a Birth Certificate for their child. Urge your support for HB 159.

MISSING ANGELS BILL FACT SHEET

- I. The bill establishes a "Certificate of Birth Resulting in Stillbirth" as an *optional* document for families requesting and paying for it in our state;
- II. There is already a *death certificate* issued and *legislated final disposition at families' expense* for all stillborn babies in our state;
- III. Stillbirth is the unintentional death of an unborn baby who has *passed 20 completed gestational weeks* as defined by the NICHD. These are not early losses or abortions. Rather these are the births of dead babies;
- IV. Between 25,000-30,000 babies are stillborn in the U.S. each year, one in 100 pregnancies. Most occur at or near full term to otherwise apparently healthy babies;
- V. Other countries including the United Kingdom, Australia and Ireland already issue certificates of birth for stillborn babies;
- VI. The bill has been passed in 15 U.S. states, and legislation is pending in more than five states;
- VII. A baby born at 19 weeks gestation, pre-viability, but who takes one breath is issued a Certificate of Live Birth and is counted in infant mortality rates. Conversely, a baby born at 40 weeks gestation and past viability can die just one second prior to birth, will only receive a death certificate, and is not counted in infant mortality statistics;
- VIII. It is not only about dignity and validation, but also about maternal health and newborn well-being, epidemiology, and research. It is the right thing to do for women in our state and their families.

"MISSing Angels Legislation - A State Chart"

Those states offering an official, legal document that includes the words Certificate of Birth in the title to the parents of stillborn children are considered 'MISSing Angels States'.

The chart below provides:

1. A direct link to each state's legislative website (click on the state's name).
2. A 'five-star' status of the progress being made in each state.

★ - We have been contacted - someone in the state wants the legislation.

★★ - A state legislator has become involved.

★★★ - Legislation was filed at some point - but it failed to pass. We need your help!

★★★★ - Legislation is pending in the state's current legislative session.

★★★★★ (CoS) - This state offers a "Certificate of Stillbirth".

★★★★★★ - The state offers a document, by legislation, that includes the words 'Certificate of Birth' in the title to the parents of stillborn children. These MISSing Angels states will also have a shaded background.

3. A link to the pending (or) existing legislation, or, the actual statute or law for a particular state.
4. Does the pending (or) existing legislation (or) statute provide for the issuance of a document that includes the words 'Certificate of Birth' in the title to the parents of stillborn children? (Yes or No).
5. If an **Email Action List** has been created for your state - you can sign up to be notified with timely news regarding your state's Missing Angels Bill activity. Your email address will remain safe and secure - and you can help make this important change in your state by clicking on the "Sign Me Up!" link.
6. Email links to members and/or associates of The M.I.S.S. Foundation.

PLEASE READ - VERY IMPORTANT NOTE:

Although they are both worded very similarly, a "Certificate of Birth Resulting in Stillbirth" and a "Certificate of Stillbirth" are not the same thing.

Legislators, Policy Analysts, and State Health Departments agree, there is a subtle, yet

immense difference in the two.

The M.I.S.S. Foundation believes that all states should record births as births... whether live or still.

Thus, our goal, for those states that offer a "Certificate of Stillbirth", is to legislatively *change* the certificate to a "Certificate of Birth Resulting in Stillbirth" - which we view as a "BIRTH" certificate.

If there are no members listed for your state, and you'd like to champion for it, please email Joanna Cacciatore or John Nevels.

Please report any 'broken' or incorrect links that you may find on this chart to: John Nevels.

State:	Five-Star Status:	Link to Bill or Statute:	Yes or No:	MISS Foundation Contact(s):
<u>Alabama</u>	★★★	<u>HB208 (2004 Regular Session)</u> (Indefinitely postponed' as of May 5, 2004)	Yes	<u>Stormy Entrekin</u>
<u>Alaska</u>	★			<u>Rhonda Crawford</u>
Arizona - State Tax Exemption for		<u>Arizona Revised Statutes 43.1023</u> (LAW enacted May 10, 2004)		<u>Joanna Cacciatore</u>

Stillborn Children				
<u>Arkansas</u>	★★★★★ (CoS)	No known reference in 'Arkansas Code'... New legislation pending as of February 13, 2007	No	<u>Lynette Spruiell</u>
<u>California</u>	★★★	First Attempt (AB1929) Withdrawn		<u>Kirsten Pert</u> (lead contact), <u>Katie Hodge</u> , <u>Kim Lotz</u> , <u>Sari Ldber</u> , <u>Sunita Param</u>
<u>Colorado</u>	★★★★★ (CoS)	<u>Colorado Revised Statutes</u> <u>25-2-112 3</u> (Law enacted July 1, 2004)	No	<u>Caprice Bass</u> , <u>Leslie Clemenson</u>
<u>Connecticut</u>	★			<u>Kelly Weber</u>
<u>Delaware</u>	★★★★★ (CoS)	<u>Delaware Code</u> <u>Title 16, Subchapter 1,</u> <u>Paragraph 3110(h)</u> (Law enacted July 22, 2004)	No	
<u>District of Columbia</u>				
<u>Georgia</u>				
<u>Hawaii</u>	★			<u>Angela Bilan</u>
<u>Idaho</u>	★★★★★ (CoS)	<u>Idaho Statute 39-260</u>	No	<u>Nancy Graysen</u>
<u>Illinois</u>	★★★★★ (CoS)	<u>Public Act 93-0578</u>	No	<u>Mary Geitz (e-</u>

				mail) and (website)
<u>Iowa</u>	★★★★ (CoS)	<u>Iowa Code Chapter 144</u> (No direct mention of CoS in code. Done by policy - not by law)	No	<u>Laura Mikota,</u> <u>Jaye Zessar</u>
<u>Kansas</u>	★★★★ (CoS)	<u>K.S.A. 65-2412</u>	No	<u>Karen and Alan Wondra,</u> <u>Pat Flynn</u>
<u>Kentucky</u>	★★★★ (CoS)	<u>Kentucky Revised Statutes 213.096</u> (By policy - not by law)	No	
<u>Maine</u>				

<u>Michigan</u>	★★★★(CoS)	<u>Michigan Compiled Law</u> Act 368 of 1978 Section 333.2834 (Effective October 1, 2002)	No	<u>Michelle Baird</u>
<u>Mississippi</u>	★★★	<u>HB 566</u> (sent to Senate H & W committee as of January 19, 2007) ~ and ~ <u>SB 2764</u> (passed Senate as of February 6, 2007)	Yes	<u>Stacy Credille</u>
Missouri - State Tax Exempti on for Stillborn Children		<u>House Bill 816</u> Introduced and read first time on February 8, 2007		<u>Patrick Barclay</u>
<u>Montana</u>	★★★	<u>SB.</u> Passed Senate, but reported dead in committee on April 21, 2005	Yes	<u>Senator Gary L. Perry</u>
<u>Nebraska</u>	★			<u>Brandy Richardson</u>
<u>Nevada</u>	★			<u>Jacque Fougner</u>

<u>New Hampshire</u>	★★	House Bill (Number Assignment Pending)	Yes	<u>Stacey Burnell</u>
<u>New Mexico</u>	★★			<u>Rence Padilla,</u> <u>Chuck Baca,</u> <u>Christy Rutherford,</u> <u>Carin Dhaouadi</u>
<u>New York</u>	★★★	<u>A02264</u> (sent to Health as of January 16, 2007) ~ and ~ <u>S00186</u> (sent to Health as of January 3, 2007)	Yes	<u>Janet Press,</u> <u>Bryan & Kimberly Granata</u>
<u>North Carolina</u>	★★★	<u>Senate Bill 46</u> In Senate - held as filed as of February 1, 2007	Yes	<u>Natalie Conner,</u> <u>Karl Huber,</u> <u>Kelly Webber</u>
<u>North Dakota</u>	★★★	<u>House Bill 1129</u> Passed House on February 12, 2007	Yes	<u>Melissa Stuart</u>
<u>Ohio</u>	★★★★ (CoS)	<u>Ohio Revised Code §3705.23(B)(3)</u>	No	<u>Kym Smith</u>
<u>Oklahoma</u>	★★★	<u>SB889</u> (2005 Regular Session) (Voted down as of March 5, 2004)	Yes	<u>Pat Flynn</u>
<u>Oregon</u>	★★★★ (CoS)	<u>Oregon Revised Statutes Chapter 432 - Vital</u>	No	<u>Nita Lundberg</u>

		Statistics Section 432.266 Effective on January 1, 2006		
<u>Pennsylvania</u>	☆☆☆	House Bill 1031 Laid on the table, September 26, 2005	No	<u>Dorothy Knappenberger</u>
<u>Rhode Island</u>	☆☆	House Bill 5086 Introduced and referred to House H.E.W. on January 17, 2007	Yes	<u>Richard & Nancy Silva</u>
<u>South Dakota</u>	☆☆☆	Senate Bill 206 Passed Senate as of February 13, 2007	Yes	<u>Sharon Apa</u>
<u>Tennessee</u>	☆☆☆	SB 003 (Bill died in committee on May 4, 2005)	No	<u>Elisha Conway</u>
<u>Vermont</u>				

<u>Washington</u>	★ ★			<u>Liz Allen , Kara</u> <u>L.C. Jones</u>
<u>West Virginia</u>	★			
<u>Wyoming</u>				

What is a stillbirth?

Stillbirth is the death of a baby after the 20th week of pregnancy, but before delivery. The baby might have died in the uterus weeks or hours before labor, or rarely, during labor.

How common are stillbirths?

Stillbirth occurs in about 1 percent of all births.

What causes stillbirths?

The three major causes of stillbirths are:

- Problems with the placenta and/or umbilical cord — Because the fetus gets its blood, oxygen, and nutrients through the placenta and umbilical cord, problems in either will interfere with fetal development.
- Maternal medical conditions and lifestyle choices — Certain illnesses in the mother, or their treatments, sometimes cause stillbirths. Some of these conditions include high blood pressure, pre-eclampsia (high blood pressure and swelling, often late in the pregnancy) diabetes, lupus, heart or thyroid disease, and certain viral or bacterial infections. Older mothers are usually at increased risk for these conditions, as well as for stillbirths. Smoking, drinking alcohol, and using certain recreational drugs during pregnancy are also associated with higher rates of stillbirth.
- Birth defects — In about one-fourth of stillborn babies, one or more birth defects are responsible for the death. Many are found only after a thorough examination of the baby and an autopsy.

Unfortunately, many stillbirths are unexplained, which only adds to parents' grief.

What happens after a stillborn baby is delivered?

You will be able to hold your baby, and your health care providers will allow you as much time as you need to spend with your child. You might feel uncomfortable with this idea at first.

Ask for and keep any mementos and keepsakes of your child, such as the I.D. bracelet, blanket, or a lock of your child's hair, and take as many pictures as possible. As with holding your baby, this might also be uncomfortable but it might be a cherished possession at a later time and might help you during your grieving process. Most hospitals will issue the family a birth certificate, but make sure you ask, and request that it include the baby's hand and footprints.